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New Times

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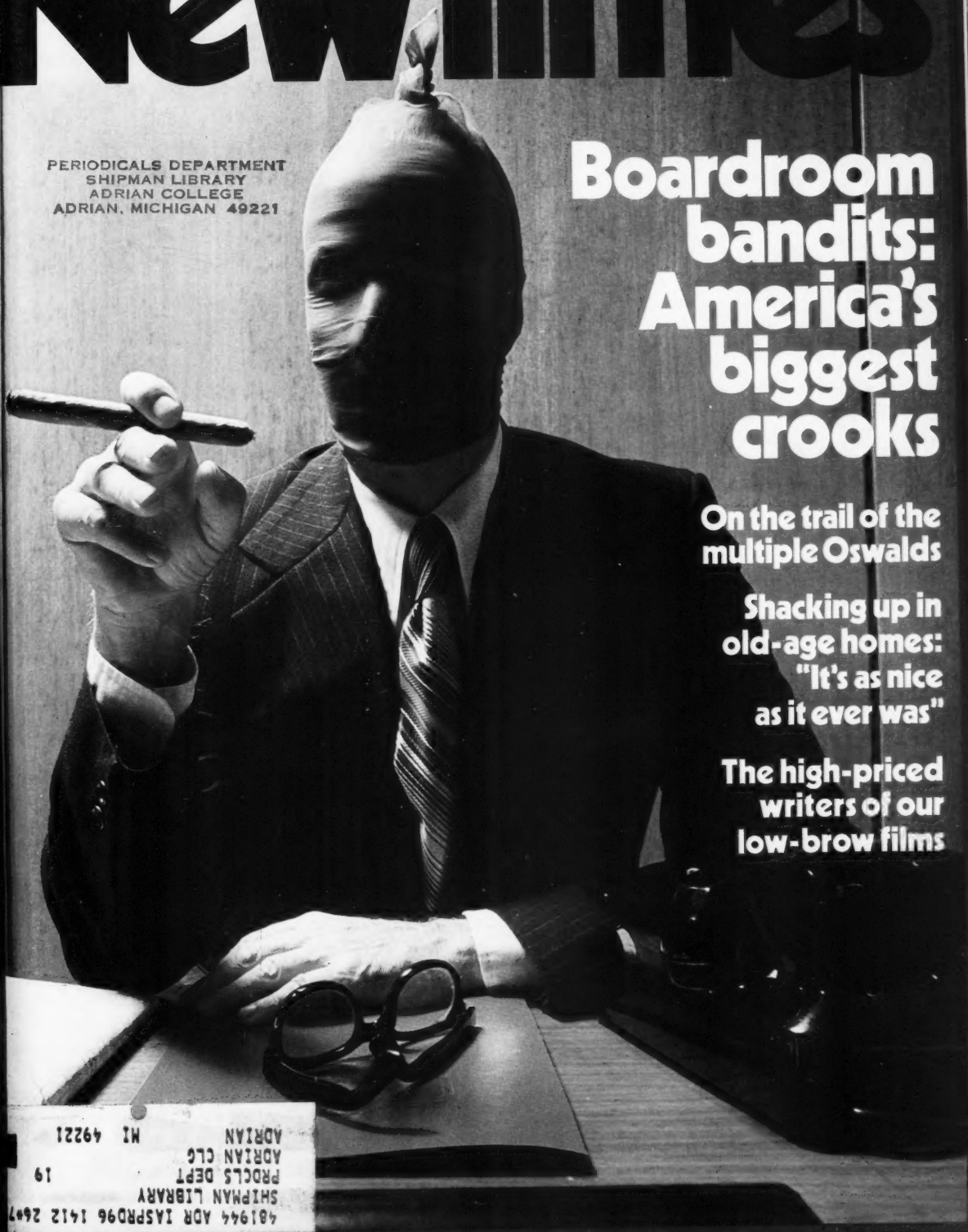

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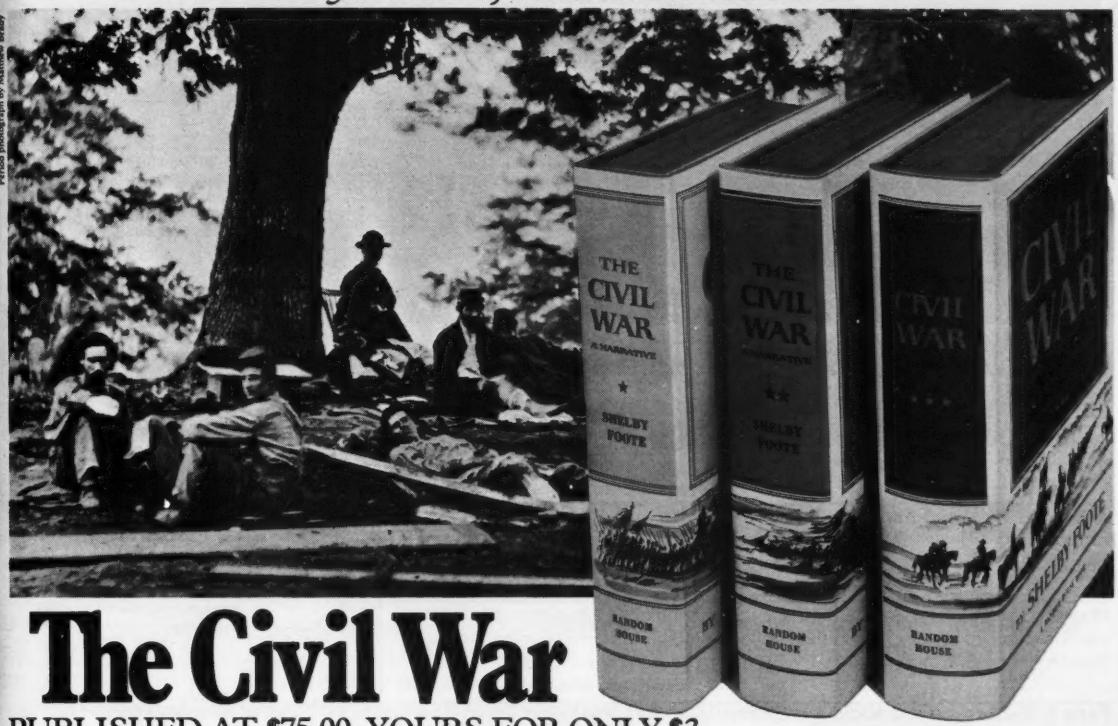

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NEW TIMES, September 19, 1975, Volume 5, Number 6

TOP OF THE NEWS

The man who never was Were there several Oswalds? Recently declassified documents reveal that the multiple-Oswald theory was taken very seriously by the same men who publicly dismissed it as a joke: the members of the Warren Commission **By Robert Sam Anson** page 14

America's most coddled criminals White-collar crime has reached epidemic proportions. Last year alone the cost to the nation was 40 billion dollars. Yet the perpetrators continue to get off almost scot-free **By Blake Fleetwood and Arthur Lubow** page 26

Plugged for a quarter A sympathetic judge sentences a businessman to four months in jail for stealing ten million dollars. A quick-triggered cop condemns a Boston youth to life in a wheelchair for jumping over a subway turnstile **By Craig Waters** page 36

Patty & Walter & Jack & Micki The Hearst hunt has come to Harrisburg. She isn't there, but it's a good place for a legal lynching **By Michael Drosnin** page 39

THESE ARE NEW TIMES

Sex and the single grandparent Trapped by fixed incomes and lonely rooms, the country's 22 million old people are beginning to rebel. Increasingly, elderly couples are pooling retirement benefits and living together without marriage **By Judith Wax** page 42

THE ARTS

Where are the Hemingways, Fitzgeralds, Benchleys and Parkers of yesteryear? In the Hollywood heyday of the '30s and '40s, almost every important author in the world wrote for the movies. Today's young screenwriters are often commercially oriented, insular Californians—and their movies show the difference **By Stephen Farber** page 48

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"Sneakers" hit the canvas
By Dennis Albert page 68

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COVER PHOTOGRAPH BY CARL FISCHER

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Higgins Bond, Bill Nelson Dickran Palulian, Joseph Smith

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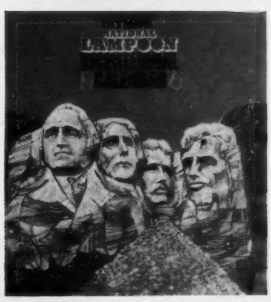

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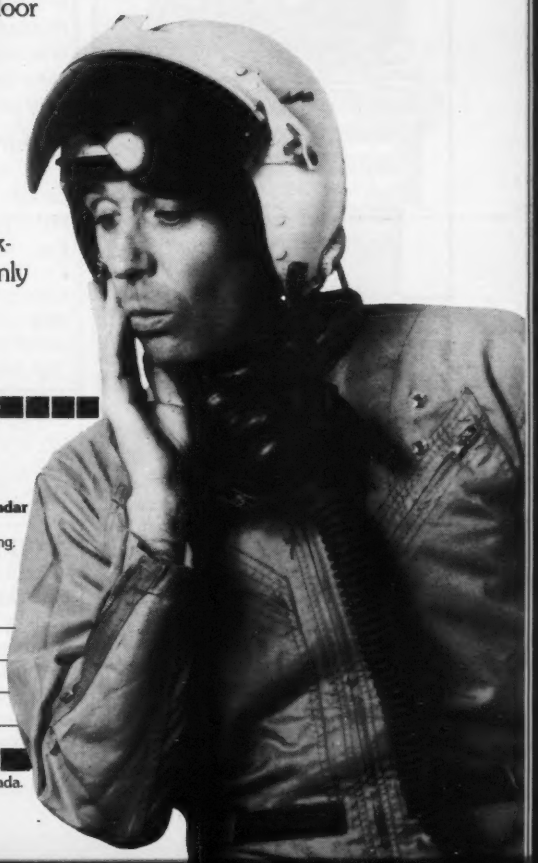

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Letters

Karma

A postscript to James Kunen's Slow Down ("Does Karma rule the Big Leagues?" August 22) is the ironic fact that after Billy Martin was fired from the Texas Rangers he was hired by the New York Yankees, Elliot Maddox's team. If that doesn't verify philosopher Willie Davis' theories on karmic cause and effect, nothing does.

Tom Furth
San Diego, California

Ms. for the masses

Who does Bill Riordan think he's kidding ("Tennis isn't a matter of life and death—it's more important than that," August 8)? The person who "gave the game [of tennis] to the masses" was not Jimmy Connors but none other than Ms. Billie Jean King. If it hadn't been for her performance against Bobby Riggs two years ago, Jimmy Whozis would never have been able to get Mrs. Ford or anyone else to watch that Vegas extravaganza Riordan speaks so highly of. Male chauvinism, alas, lives on . . . .

Nina Gaspich
Joliet, Illinois

Picking up the slack

In some ways, the current careers and ambitions of the Watergate felons are more revealing than their past misdeeds ("Where are they now?" August 22). The power base of Mitchell, Stans, Agnew and others is still secure. There's always a job for the shrewd and unscrupulous. That Arab businessmen and literary agents have picked up the slack is only a sign that we never see the last of big-time crooks.

Paul Ettenson
Oyster Bay, New York

Swapping stereotypes

I was somewhat less than thrilled to learn from Andrew Kopkind's article ("The boys in the barracks," August 8) that gay people are no longer being stereotyped as limp-wristed hairdressers or barrel-chested lady wrestlers. Now, it seems, we are all militant revolutionaries. Replacing one inaccurate stereotype with another is not my idea of progress. The notion that "being homosexual means being part of a special culture with its specific manners, perspectives and values" has an undeniable romantic appeal, but no basis in fact. The object of Kopkind's essay seems to be not information but exploitation. To deny the considerable diversity of gay men and women is to deny us the most basic human right: the right to live our own lives.

Harry M. Matthews, Jr.
Brooklyn, New York

Red, white and blue

Seeing as how Larry L. King (Fulminations, July 25) doesn't care for dogs (hot or otherwise), baseball, apple pie (except Mom's)—I have one question: does he own a Chevrolet?

Dwight H. Skeels
Palmyra, New York

Outcome studies

Your article about Dr. Nork was interesting, but there is an additional point that should be made ("Dr. Nork will see you now," August 22). A step that should be insisted upon is a study of outcomes—surveys should be made of how patients fare as the result of their doctors' treatment. Outcome studies are being used to a limited extent at present, only to determine the effectiveness of competing forms of cancer surgery and to determine the relative effectiveness of some medical treatments. It should not be impossibly difficult to extend them to serious conditions requiring hospital treatment and, eventually, to all forms of medical care.

It is interesting that this simple and reasonable concept has not been advanced by any of the politicians speaking about medical practice from high positions. Dr. Nork could look very good on periodic written examinations, but outcome studies would quickly pinpoint his results. The only real test is how well or how poorly his patients do as a result of his ministrations.

Eugene Becker, M.D.
Swartz Creek, Michigan

What's new with Tony C.?

Slow Down

By James S. Kunen

If ever there was a Golden Boy, it was Tony Conigliaro. You may not know who Tony Conigliaro is, but you would have known, were it not for his cruel fortune.

Tony Conigliaro is a baseball player. Therein lies his dilemma.

Born in Boston, Tony C.—as the fans call him—became the right fielder of the Red Sox in 1964, at the age of 19. At 22, he became the youngest player ever to hit 100 home runs, despite having missed a month and a half of his first season after being hit by a pitch that broke his arm. By 1967, he was leading the Red Sox to a pennant, turning losses to victories with last-inning home runs. That he was handsome, and had a hit song on the radio, and was the heartthrob of Boston's teenage girls was just frosting on his cake. He was a Baseball Star. There was no telling how far he would go.

Then one day in August 1967, the California Angels' Jack Hamilton fired a fastball that tailed in toward Tony's head. Some people said Tony froze. He says he snapped his head back, but in doing so caused his batting helmet to fall off. The baseball banged into his face and smashed him to the ground, where he lay unconscious, blood streaming behind his left eye. After several days on the brink of death, Tony C. began to recover. But of one thing the doctors were certain: He would never play baseball again. His left eye would have a permanent blind spot.

He was named "Comeback Player of the Year" in 1969, and had his best season ever in 1970. But then the Red Sox traded him to the Angels. In California, his eyesight deteriorated, and he had to quit baseball.

For three and a half years, Tony C. pursued business interests, and made a lot of money. But this year, he decided to come back. Again.

Maybe it was the rosary beads and scapular medals that fans sent him in spring training, but somehow he made the Red Sox. Opening day, he was greeted with a standing O his first time up, and responded with a hit. But by June, he was batting .123. For the first time since he was 18, Tony Conigliaro went to the minor leagues.

I found him in late August in the dank dressing room of the Pawtucket (Rhode Island) Red Sox. With greying hair adding dignity to his good looks, he resembled a captured patrician turned galley slave as he sat on a wooden bench crowded with his teammates. Nursing an injury, he was

not going to play in that night's International League game with the Rochester Red Wings. He was trying to decide if he would ever play again.

I asked whether he was nervous about getting hit by a pitch.

"Nah," he said. "I got hit the other night." He showed me an enormous bruise on his thigh. "My problem is injuries. I'm falling apart like an old Edsel," he said. "I hurt my back diving for a ball in *Toledo, Ohio.*" He winced at the name of the bush league burg. That and other injuries, he maintained, and not his vision,as his manager said, had ruined his performance (.227 with three home runs).

"I haven't had the hot bat," he explained. "Up there [in Boston], with 30,000 people watching, you don't think about aches and pains. It's a different life down here," he said, gesturing toward the bare-bulbed locker room.

So when a Providence television station offered him a job as a sportscaster, he had to consider it. And a major network also expressed interest in him. The trouble was, to take a TV job, he'd have to quit baseball immediately. Whereas if he hung on till September, when the major league teams add players, he might get one last chance with Boston. But by then he would lose the TV offers.

Tony C. was fielding my questions deftly when he interrupted himself: "I'll tell you," he said, "if I could write the story on myself, I wouldn't mind if I got called up to Boston in September, and sat on the bench for awhile, and then with the pennant race even, in the crucial game, with a man on third, two out in the ninth and the game tied, they'd send me up to pinch-hit and I'd drill one off the wall and win the pennant." He smiled at the thought, then shook his head, calling himself back. "But if I got a network job in New York," he insisted, "that would really be big league."

That evening Tony C. sat on the bench, hurting, as the Pawtucket Red Sox coasted to a 2-0 defeat. In the last of the ninth, with a man on and two out, a chorus of children's voices demanded, "We want Tony!"

Tony strides arrogantly up to the plate, but that is in the past. And young Tony smacks it out of the ballpark in the past and wins the game in the past and is the hero—in the past.

"I don't know why," he told me, "but I have it in my head that if I were in Fenway tomorrow, I'd hit the piss out of the ball."

Who knows? No one ever will. Tony Conigliaro has announced his retirement from baseball to become a sportscaster on the six o'clock news.

It was the sensible thing to do. ●

A vote for Betty

Fulminations

By Larry L. King

The only bad thing I can say of Betty Ford is that she married beneath herself. Betty turns me on. I've always liked ladies who enjoy diddling and people who blurt the unvarnished truth. On the evidence of Betty Ford's own testimony, danged if I don't believe she qualifies for my full admiration. If Ole Jere don't treat the lady right, she's got a place to go.

That the First Lady recognizes human appetites and may even indulge her own has, of course, caused nature's fools, hypocrites and social or political cowards to parade themselves a-tremble. Jackass preachers, columnists and assorted other free-lance moralists have virtually wet themselves in the name of God and the Republic. Jerry Ford himself grumbled, with a pained grin, that Betty may have cost him 20 million votes; the White House official clarifier again worked overtime, trying to tone down the truth.

Lady Ford's crimes—facing the reality that her 18-year-old daughter may not have been born a permanent virgin, and admitting that she herself sleeps with her husband "as often as possible"—very much please me. It is refreshing to have a First Lady willing to admit knowledge of more than beautification programs or White House tours; also, it is long past time to quit pretending that something as good as sex is so all-fired bad. If I know anything of Freud, many of our presidents and a high percentage of our nonpolitical criminals might have wished better for mankind had not old myths and shushings caused them guilty worries requiring the subconscious provings of their tally-whackers. As the late Lenny Bruce and pitifully few other honest men long have tried to make clear, screwing is not only *better* than killing but is far less obscene. Rather than censure Betty Ford, let us pray for her success in teaching her husband such a basic and vital lesson.

If, at this point, you are flinging down this magazine or choking on apoplexy, be assured that your mindless rage is in the great American tradition. People are nuttier about sex than any other subject. They will cheer their sons carrying guns on parade while slapping their sons' hands for reaching under the bed covers. We somehow are more ashamed to admit carnal lust than money lust, less willing to tolerate its presence than poverty's, as likely to admit to racism as to a healthy philandering. We are taught from the cradle that it is wrong or evil—unless in stringent official circumstances—to make others feel

good in a certain way or to accept joy in kind. Few of us having managed to honor the lesson throughout our life spans, we are no less adamant in urging its restrictions on our neighbors and our children.

What happens when Lady Ford indicates a loving, humane response against the possibility of her daughter Susan's performing a certain natural biological function? Why, several tons of folks went semi-crazy: wired hot words to the White House, threatened to change their partisan registrations, turned red-white-and-blue. American Legion posts passed condemning resolutions. The Dallas pastor of the largest Baptist church in the whole world accused Betty Ford of everything but charity. Columnist Bill Buckley snorted dire predictions of broken homes, abortions and many Mary Magdalenes. A Carolina preacher advertised a sermon on "How Betty Ford Broke the Ten Commandments" or some such foolishness. Betty, bless her, turned right around and said that she likes to hug her husband's neck in the dark whenever she can.

I approve of Lady Ford's unusual candor, too, because it may be that she dealt the Imperial Presidency another small blow. Maybe it would truly benefit Americans who attempt to deify their presidents (even as they are placed on enemies lists or taxed to support suspect wars) to learn that our White House residents are not above their occasional carnal fevers. If we get to imagining our presidents as capable of disrobing for fun, then maybe we can think of them as mortals who visit the bathroom for gas pains or grow hair in their noses or spot their neckties with gravy. It's only a short hop to the realization that a president capable of such human frailties might occasionally be nay-sayed on the grounds that probably he wasn't born infallible or a first-cousin to God.

This, of course, is what the politicians, the priests and the pundits fear: If we figure out that even our president is mortal, can other exposés be far behind? This is one reason why our leaders are safe in the grave before it leaks to the general public that among our philandering presidents have been Harding, the latter-day Roosevelt, Kennedy and Johnson. The conspiracy of silence is beneficial not only to politicians but to all who would disavow the human urges in those they have chosen to lead them—and in themselves. No wonder Betty Ford aroused such danders! Her candor struck at the American vitals, where people have been taught to least trust themselves.

Way to go, Betty. You're a true leader. If you get a hankering to trade being First Lady for being The First Lady President, I know where you can get a campaign manager. ●

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The Charlie Burch.

(Smirnoff and root beer.)

A friend of ours recently found himself with some unexpected guests, a bottle of Smirnoff and a supply of root beer. Neither he nor anyone present had mixed Smirnoff and root beer before. But the occasion called for a drink, the hour was late and the only place open was a good distance away. They voted to make do with what they had.

Our friend thought the result so surprisingly good that he suggested we try it. We agreed, and we pass the simple formula along, named after its inventor.

In so doing, we have no wish to convert anyone from

plain old root beer when that's what the occasion calls for. Everything in its place, we always say.

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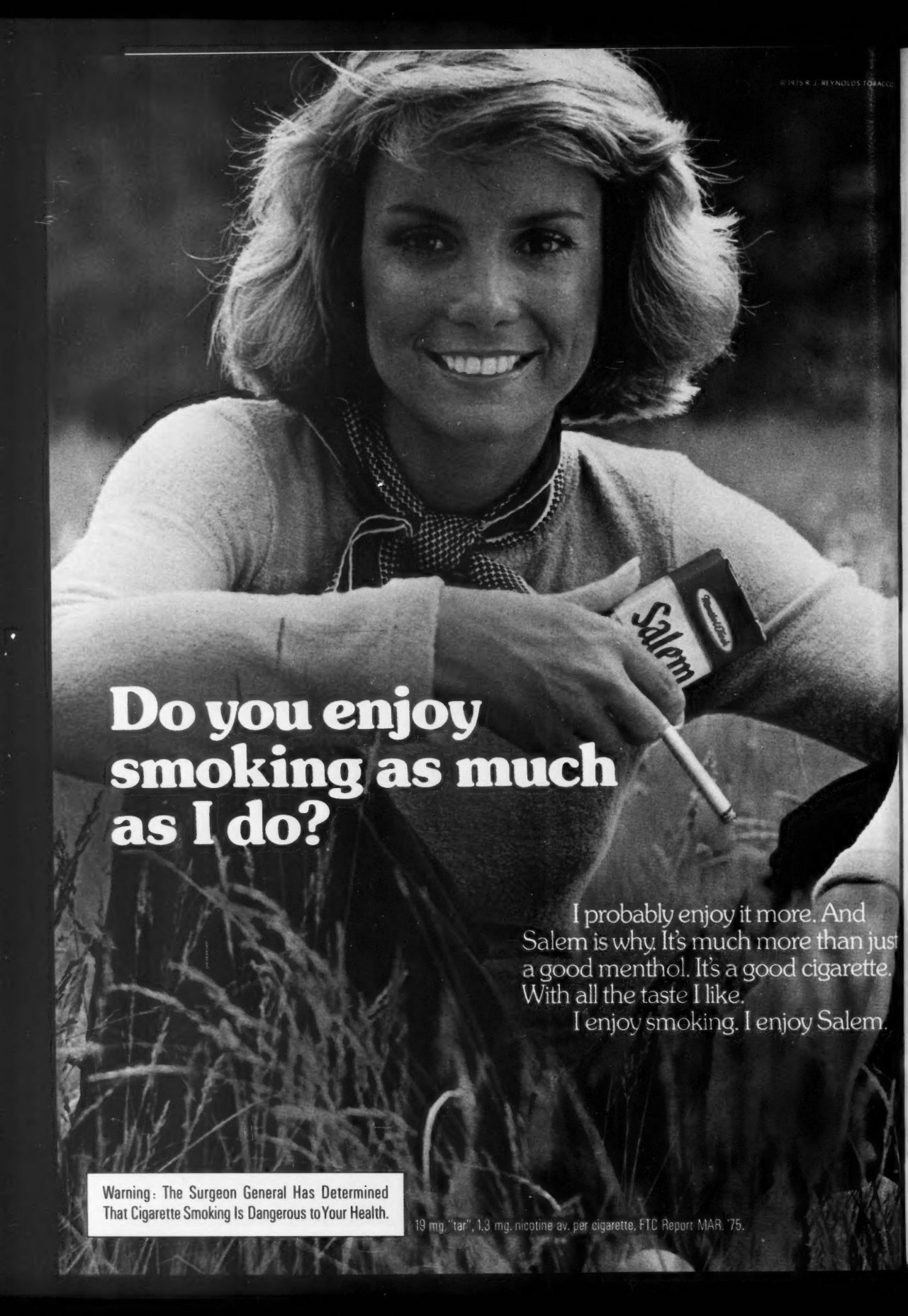
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Killing cows for Satan
Nurturing sexism in the cradle

EDITED BY TONY SCHWARTZ

The Insider

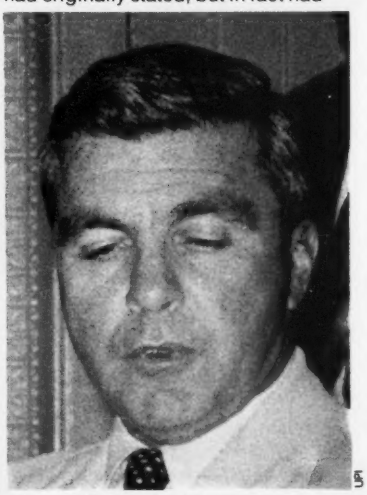
Power Politics

Steigered

On the evening of August 9, Representative Sam Steiger (R-Ariz.) was eating dinner at his Prescott home when he learned that several loose burros had been herded into a nearby fenced-in area pending identification. Steiger's concern over the region's recent history of fencing and grazing disputes prompted him to investigate the situation personally. Armed only with a rifle, the courageous congressman paid a solitary visit to the animals "to check their brand."

According to Steiger, however, the 14 burros were not amenable to such an examination. Explained the congressman, "They started coming toward me. I fired in the air and that didn't stop them. So I dropped the first two animals."

Normally, such a story would flicker out in a day or two, but several factors have made it one of Arizona's major news stories for the last three weeks. First came Steiger's admission that he had not fired three shots as he had originally stated, but in fact had fired a fourth shot at one of the burros after it fell. Then Stan Tanner, the owner of the slain animals, asserted that they had been so gentle that children had ridden them without the use of a halter or bridle. Steiger promptly accused Tanner of having been "indicted, charged and convicted of . . . extortion and rape." In return, Tanner filed a $1 million slander suit against the congressman.



UPI

Steiger: the loose gun

It remains unclear on what authority Steiger attempted to inspect the animals in the first place. Nor can Steiger's hair-raising account of defending himself against the charging burros be easily reconciled with an autopsy report stating that both animals were shot in the back of the neck. Perhaps most perplexing of all, though, is the question posed by a reader in the *Arizona Republic:* "Why would two burros attack a jackass?"

Ford talks, everybody walks

A president who is too accessible? In one year Jerry Ford has turned the once precious "exclusive" presidential interview into a ho-hum event. The President has achieved this both by his willingness to grant interviews at the drop of a hat and by his propensity for saying nothing of significance in most of them. He has given nearly 40 so far, on top of about 20 press conferences. The reclusive Richard Nixon, by contrast, gave only a handful of interviews and often went months between press conferences.

On one day during his Midwest tour last month, President Ford chatted on camera in Chicago with TV personality Irv Kupcinet for 30 minutes, was interviewed for another half hour by local TV anchormen in Milwaukee and then consented to an hour of questions on live TV by some of Milwaukee's business and civic types.

Back in Washington, Ford has been interviewed by many news organizations more than once, and has even given an "exclusive" to football star turned TV commentator Sonny Jurgensen. So pedestrian has the "exclusive" become that the *Washington Post* has decided to give up its previously expressed desire for an Oval Office interview.

Jack be nimble, Jack be rich

Ever since our First Lady dropped her casual aside about casual affairs, she's been busy fending off an onslaught of criticism from people in those cities where her views have become the subject of major debate. This tale from Billy Graham country comes courtesy of our Charlotte, N.C., correspondent—proof that on any controversy there is always someone clever enough to cash in.

DENNIS BRACK/BLACK STAR

Betty Ford: controversial

Reverend Jack Hudson is the pastor of Charlotte's 5,000-member Northside Baptist Church. Following Mrs. Ford's remark that she wouldn't be terribly surprised if daughter Susan had an affair, Hudson worked up a sermon entitled "Betty Ford vs. the Bible." His premise was simple: "Mrs. Ford doesn't believe in the Bible. She approved three basic things that the Bible is against [premarital sex, abortion and marijuana] and she is trying to influence her husband about the ERA. That may be an indication the husband doesn't make decisions on

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his own."

Hudson publicized the sermon by giving an interview to the local newspaper. He then delivered his talk to the prayerful nods of 2,000 parishioners. The response was heartening—so heartening, in fact, that he decided to sell tapes of the sermon at $3 each, or two for $5, and printed transcripts at 50 cents each. More than 200 tapes were sold in the first five days, and orders are flowing in steadily. Concludes Hudson: "People are finding out that liberalism is not satisfying and they are looking for answers in the Bible." Concludes our correspondent: "Seldom have self-righteousness and an easy buck combined so conveniently."

An obscenity

It has been nearly a year since Republican Louis Wyman and Democrat John Durkin finished in a virtual tie for the New Hampshire Senate seat. On September 16, voters there will once again try to choose a senator. This time around, *Manchester Union Leader* publisher William Loeb has thrown his considerable influence behind Wyman. Nonetheless, the Republican, stung by charges that he was involved in the sale of an ambassadorship, is now considered the underdog. This has apparently made Loeb all the more determined to put the screws on Durkin. The last time the publisher pulled a similar stunt, in 1972, many believe it deeply damaged the presidential campaign of Ed Muskie. Muskie broke down defending his wife against Loeb's charge that she liked to use obscene words. The publisher's most recent tactic is good evidence—albeit astonishing—that he is not averse to using obscenity in his own paper, so long as it reflects negatively on his enemies.

The following was prominently printed in the August 21 *Manchester Union Leader*, under the heading "Durkin's support." "Loeb: Why you fucking idiot Massachusetts bastard, who are you to tell us, who will do more for our state. Just because Wyman is an experienced crook does not mean that Durkin can't learn. Wyman has filled his pants with enough crooked money to last him the rest of his crooked life. Let Durkin get some of it." The letter ended with the admonition, "This is not for publication." It was followed by an editor's note reading: "As a rule, we do not print unsigned letters, but since

ILLUSTRATION BY JERRY ZIMMERMAN

this attacks only Publisher Loeb, and he has given permission to run it, we are printing this letter as an example of Mr. Durkin's support."

Durkin, inteiligently, has refused to comment.

Off The Record

The cattle cult

The bizarre tale conjures up visions of Charles Manson. Over the past few months, through the Plains and the Rocky Mountain states, a mysterious rash of Mau Mau-style killings have left a macabre trail of several hundred dead cattle. Each carcass bears an identical mutilation mark left by a scalpel-sharp instrument. Characteristically, tails, sexual organs and lips are sliced off; one eye is removed; strips of facial and belly hide are cut off; and ears, tongues and udders are taken out. In no circumstance has the source of a fatal wound been pinpointed, despite autopsies and chemical tests.

"Devil worshipers," says Undersheriff Garry Gibbs of El Paso County, Colorado, the hardest-hit state to date with 91 reported mutilations. The killers leave no clues, and Gibbs believes, on the basis of several sightings, that they may descend on ranges in a helicopter.

Gunnison County Sheriff David Ellis is another Colorado lawman who is baffled. "There's no blood, no nothing. The [cattle] are as limber as you and I." Normally, rigor mortis would set in within one hour after death. And stranger still, none of the cattle found in Colorado has been touched by carrion hunters, varmints or coyotes. "Nothing will eat them," says Ellis. Not even maggots appear in the dead animals after they've been in the hot sun for days.

Predictably, the scare has taken its toll on the friendly climate of the Colorado open range. "It used to be you'd never think of anything bad happening out here," says Jean Mikita, a longtime resident. "Now everybody's on guard." In Denver, our correspondent informs us that people talk about the cattle mutilations with the frequency that people talk elsewhere about baseball scores. The latest dead cow count is tallied and theories are discussed.

Meanwhile, investigators are going only on early reports from informants in federal prisons. The informants tied the mutilations to cult activity—and they warned that the cultists may eventually branch out into human murders.

The Word

The President's man

Benjamin Bradlee's days of high standing in the Kennedy family are apparently numbered. Senator Ted is unhappy over Bradlee's gossipy best-seller about the JFK days, *Conversations with Kennedy*. According to a friend, Ted feels the book was a crass attempt to cash in commercially on a personal relationship, and he calls the result "a cheap shot." Bradlee apparently is unfazed by Kennedy's criticism. Simon & Schuster/Pocket Books recently bought the paperback rights to *Conversations* for $400,000. Asked by a colleague whether he felt uncomfortable about all the money he was making from the book, Bradlee replied: "Hell no. It's not bad for notes that were stuck away for ten years."

WIDE WORLD

Bradlee: Kennedy fallout

The *Match*less Fallaci

In recent years, Oriana Fallaci has established herself as the master of the definitive interview—it was she, for instance, who got Henry Kissinger to typify himself as the cowboy-loner. At times, Fallaci has been so successful at hanging people with their own words that she almost begs the question: Did her subjects *really* say those things?

Any such doubts were hardly dispelled by a recent flap over an alleged Fallaci interview in *Paris Match*. In its August 16 issue, *Match* featured an "exclusive" between Fallaci and Nelson Rockefeller. All in all, the piece did not seem up to Fallaci's standard, although it had its flashes. At one point in the interview, Rockefeller says, "If I were a Democrat I would have been president of the United States a long time ago and I would have saved the country from a lot of problems." The problem is that Rockefeller did not remember talking to Fallaci. Nor did anyone on his staff remember such a conversation. Inquiries were made, and soon faces flushed. It seems Oriana Fallaci never had talked to Rockefeller. A free-lance writer named Magda Pallaci had. Said one Rockefeller staffer: "We were amazed. Fallaci's a big name. We don't know whether it was a typo, or whether they did it on purpose." The following issue, *Paris Match* ran a correction saying, incredibly enough, that the three mentions of Fallaci in the issue had all been caused by "erreurs typographique."

ILLUSTRATION BY JERRY ZIMMERMAN

Mind & Body

Doctoring women

Although increasing numbers of women are entering medicine, their incomes are still far below those of male doctors. In an American Medical Association survey based on 1972 figures, the average income of male MDs was $48,000. The average woman doctor earned only $27,500.

LEE LOCKWOOD/BLACK STAR

Women doctors: underpaid

The AMA cites several reasons for the glaring gap in income. Women put in work weeks that are 20 percent shorter than men's, and they tend to gravitate to the lower-paid specialties—pediatrics, general practice and internal medicine. Furthermore, two in every five women MDs are salaried compared to one in every five male MDs. Salaried doctors generally make less than those in private practice.

A casual reminder

The price of casual sex, we've always believed, is an occasional bout of gonorrhea or syphilis. Now there is evidence that the hazards may be much worse.

Four separate researchers have shown that sexual activity is an important pathway for the spread of infectious hepatitis, an extremely debilitating viral inflammation of the liver. The hepatitis virus has been found in saliva, semen, urine and vaginal fluid. In a recent examination of the households of 65 hepatitis patients, it was discovered that 32 percent of the patients' sex partners also had the infection. None of the remaining household members had come down with the disease.

Meanwhile, a rare form of VD—herpes simplex—has begun to spread. For reasons as yet unexplained, the virus is cropping up in many cities nearly as often as syphilis. The difference is that syphilis, like gonorrhea, is easily cured by penicillin, while there is no known treatment for herpes. The painful genital sores it spawns can persist intermittently for years.

Seventies

Misconceptions

When does sex-stereotyping begin? A group of Tufts University researchers has discovered that it occurs from the start: in the maternity ward. The mere knowledge that a baby is male or female determines a host of adjectives that parents will use to describe their newborn.

The three psychology researchers conducted interviews in the first 24 hours after delivery with 30 pairs of first-time parents. Half of them had newborn sons and the other half had daughters. Although male and female infants did not differ in weight, length and Apgar scores (physical conditioning), "daughters, in contrast to sons, were rated as significantly softer, finer featured, littler and more inattentive." Sons were more often called "hardy" and "well-coordinated." Ironically, the fathers—who had not had an opportunity to handle their newborns—were more extreme in their sex-typing than the mothers. The researchers speculated that mothers engage in less sex-typing than fathers because they are more tuned into the "babyness" of their infants than into sex types.

More evidence of this immediate sex-typing was produced when the researchers showed three different slides of a week-old infant named Sandy to 150 Tufts undergraduates. Consistently, the students stereotyped the infant as "littler," "weaker" or "cuddlier" when they were told "Sandy" was a girl than when they were led to believe the infant was a boy.

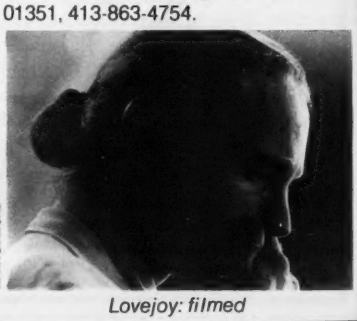
Post Scripts

Ted the troller (*NT*: May 2, 1975)

There are no firm leads on "Ted," the unidentified psychopath believed responsible for the deaths of 22 young women in California, Oregon, Idaho, Utah and Washington when *New Times* ran its story. Since then, however, as many as 18 more women whose deaths fit the killer's pattern have been discovered: a dozen in Florida, three in Utah, two in California and one in New Mexico. Nearly all the women are white and under 30; characteristically, they are found at the bottom of a cliff or ravine, the victims of sexual assault, stripped of all clothing and most jewelry. Publicity on the case has generated hundreds of new leads from more than 20 states, but Detective Butch Carlstedt of Santa Rosa, California, says he is still poring over the files of approximately 260 suspects—and hasn't made any headway.

The nuclear toppler (*NT*: Oct. 18, 1974)

The legend of Sam Lovejoy lives on, and now in living color. An idealistic young organic farmer who became the point man of the anti-nuclear power forces in 1974, Lovejoy toppled a weather tower in a deliberate act of civil disobedience. He turned himself in to the police, hoping that his trial would become a national forum for debating the pros and cons of atomic energy. Lovejoy was eventually freed on a technicality, but his gesture was not lost. The Boston *Real Paper* reports that a small local group has put together a 60-minute color film of the controversy. *Lovejoy's Nuclear War* explores the toppling, its aftermath and the nuclear power controversy generally. It can be either rented or purchased from Green Mountain Post Films, Box 177, Montague, Mass. 01351, 413-863-4754.



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Lovejoy: filmed

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The man who never was

By Robert Sam Anson

No other subject haunts the American conscience like the assassination of John F. Kennedy in Dallas 12 years ago. The renewed interest in the President's death is only confirmation of the doubts most Americans have felt since that sunny day in Dealey Plaza. We share those doubts. Within the last few months, we have published two major reports on the President's assassination, and a number of other, smaller items. No other story has received such attention in these pages. None deserves it more. The following article, excerpted from a major study of the assassination to be published this fall by Bantam Books, answers some questions, even as it poses some of the most perplexing of all.

Who was Lee Harvey Oswald?

The perpetrator of the crime of the century, said the Warren Commission; a deranged young man who, acting alone, shot and killed the President, and was himself killed two days later by an equally deranged strip-joint operator named Jack Ruby. Or was he?

They called him "Leon" the night they introduced him to Sylvia Odio, one of the leaders of Dallas' Cuban exile community. On the night of September 26, 1963, three men paid her a call: two Latins, "Angelo" and "Leopoldo," and a silent young American his companions called "Leon Oswald." Leopoldo did most of the talking. He said that he and his friends had just come from New Orleans and would shortly leave on another trip; to where and why Leopoldo would not say, but he hinted that violence on behalf of the Cuban cause was its purpose. Would Mrs. Odio, a daughter of Cuba whose parents were even now in Castro's jails, give them some money? Mrs. Odio said she would not, that she disapproved of violence. With that, the men left.

Were there several Oswalds? Recently declassified documents reveal that the multiple-Oswald theory was taken very seriously by the same men who publicly dismissed it as a joke: the members of the Warren Commission

The next day, Leopoldo called again. As Mrs. Odio subsequently recalled their conversation, Leopoldo said, "What do you think of the American?" Mrs. Odio replied: "I don't think anything." But Leopoldo kept pressing. "You know," he continued, "our idea is to introduce him to the underground in Cuba, because he is great, he is kind of nuts." Leopoldo mentioned that Oswald had been in the Marine Corps and that he was an excellent shot. Leopoldo chided Mrs. Odio for her lack of courage, telling her that Cubans "didn't have any guts," that "Kennedy should have been assassinated after the Bay of Pigs" and that "Cubans should have done that." He concluded: "It is so easy to do it."

The next time Mrs. Odio saw "Oswald" was when Lee Harvey Oswald's picture was flashed on a television screen on November 22. At the sight of the man who had been in her home, she fainted.

There was only one problem with Mrs. Odio's recollection. On September 26, the night "Leon Oswald" had visited her in her home, the real Lee Harvey Oswald was on a bus heading for Mexico City, Mexico.

The report from Mrs. Odio was one of hundreds that flowed in to the police, the Secret Service and the FBI after the assassination from people who all claimed to have seen or known the troubled young loner who police said shot the President. Many of the calls were from ghouls looking for a ride on the coattails of history; others from people who couldn't be sure, only *thought* that the man they had seen was Oswald. Still others seemed unreliable sources. And then there was the small, final category: people such as Sylvia Odio, reliable witnesses who were sure of what they had seen, who couldn't be shaken from their stories. This handful the Warren Commission considered, and worried about,

to the very end of its investigation. When it came time to write the final report, they, too, were discarded.

Albert Bogard was one of these people. Bogard was a car salesman at a Lincoln Mercury dealership in downtown Dallas. On November 9, a customer walked into his showroom and introduced himself as Lee Oswald. The man was interested in buying a used car, he said, and Bogard gladly offered to show him one. They walked into the lot, selected a model and then, with "Oswald" at the wheel, took it for a test spin on the nearby Stemmons Freeway. Bogard could not forget that ride. His customer rocketed along at speeds up to 70 miles an hour. When they returned to the showroom, they talked price and financing. "Oswald" said he didn't have enough money for a down payment but would be coming into "a lot of money in the next two or three weeks." To the credit manager, Oswald said if financing could not be arranged, well, he might just "go back to Russia where they treat workers like men." Other workers in the car dealership corroborated Bogard's story, and Bogard himself passed a lie-detector test.

Again, there was a problem. On the day the man identifying himself as Oswald came into Albert Bogard's car dealership, the real Lee Harvey Oswald was at home in Irving, Texas, composing a letter to the Soviet Embassy in Washington. Even if he had been in Dallas, it is unlikely that he would have stopped in Bogard's dealership, or any other car showroom for that matter. Lee was always broke. More to the point, he didn't know how to drive.

The mysterious Oswald look-alike made several other appearances during the fateful weeks before the President's murder. A barber remembered that he had come in for a haircut, bringing a teenage Latin boy with him. The barber hadn't liked this particular customer: He was making leftist remarks. A gun dealer in Irving, Texas, a Dallas suburb where the Oswalds lived, recalled that he had come in to have two holes drilled in a high-powered rifle so that he could fit on a scope. After the assassination, the gun dealer found a ticket with the man's name on it. The ticket read: Oswald.

And then there was the man on the Dallas rifle range. He first showed up on November 9, arriving at the Sports Drome Range with a foreign-made, scope-mounted carbine. He came several times after that as well. A number of people at the range were sure. A man like that was hard to forget. He fired rapidly, even though the range prohibited rapid fire. On occasion, he also fired at other people's targets. He was loud and obnoxious, though what people remembered best was that he was a crack shot. One of the men on the range talked to him briefly and noticed the kind of weapon he was carrying. It was a 6.5 millimeter Italian carbine, the same sort of rifle that was later found on the sixth floor of the Texas School Book Depository. After the assassination, the people at the range were certain of the man they had seen. It had been Lee Harvey Oswald. Only the real Lee Oswald could not have been at the range, or at the barber's or at the gun store. He was always somewhere else.

If someone were trying to set Oswald up, he was doing a good job. There was a trail of clues that even an amateur could follow, left by a man who seemed to go out of his way to call attention to himself. Someone who was erratic and quarrelsome; who had been to Russia; who would be getting a lot of money very shortly; who was a deadly marksman. The question was who the someone was.

". . . there is a possibility that an impostor is using Oswald's birth certificate," wrote Hoover in 1960

In the years immediately following the assassination, various critics of the Warren Commission concluded that the man who was *not* Oswald *was* an impostor deliberately impersonating the real Lee Oswald in a crime he did not commit. The most notable proponent of the Oswald doppelganger theory was Richard Popkin, a philosophy professor who, in 1966, marshaled his arguments in a small but provocative book entitled *The Second Oswald.* Few people took Popkin seriously, and since then the "double Oswald" theory has been used by succeeding defenders of the Warren Commission as a prime example of the ludicrous lengths to which the commission's critics will go to prove their point. What the public could not know was that more than a few critics were worried about an Oswald impostor. Some of the most troubled were men who worked for the Warren Commission. Another was J. Edgar Hoover, the director of the Federal Bureau of Investigation.

The Odio story caused perhaps the greatest concern. In late August 1964, as the commission was racing to complete its already long-overdue report, J. Lee Rankin, the commission's chief counsel, wrote Hoover, stressing the volatility of the Odio story. "It is a matter of some importance to the commission," Rankin warned, "that Mrs. Odio's allegations either be proved or disproved." Within a month, Hoover's men turned up a witness who claimed to have visited Mrs. Odio on the night in question with two other men, neither of whom was Oswald. The witness was Loran Eugene Hall. The men with him, he said, were Lawrence J. Howard and William Houston Seymour, who, according to Hall, bore a striking physical resemblance to Oswald. The FBI showed pictures of all three men to Mrs. Odio; she failed to identify any of them.

Nevertheless, the commission was anxious to accept Hall's story. Only Wesley Liebeler, a commission lawyer, was still unsettled. Mrs. Odio's account coincided with facts she could not possibly have known; when Liebeler brought the matter to Rankin's attention, the chief counsel reacted angrily. "At this stage," he said, "we are supposed to be closing doors, not opening them." The door on a possible conspiracy involving Oswald or an Oswald look-alike was thereupon slammed tightly.

More than ten years later, a "top secret" commission memorandum, which lent further weight to the Odio story, was declassified. The memo, written by two commission lawyers assigned to check out "speculations and rumors" and released only this year, indicated that Mrs. Odio was telling the truth. "Mrs. Odio has checked out thoroughly through her psychiatrist and friends," the lawyers wrote. "And, with one exception—a layman who speculates that she may have subconscious tendencies to overdramatize and exaggerate—the evidence is unanimously favorable." The next six lines of the memo are censored. It picks up: "Moreover, some of the details of Mrs. Odio's story, as it was first related to the FBI after the assassination—unfortunately, in a rather brief interview—check out with what we know about Oswald. For example, he was described as quiet and reticent, an impression Oswald usually gave; 'Leopoldo' later told Mrs. Odio they had checked back on him in New Orleans, which is where in fact Oswald had come from; Leopoldo said he was told by New Orleans that 'Leon' was 'loco,' a term Carlos Briniguier [a Cuban exile leader who knew Oswald] may very well have used to describe him; and, most importantly, of course, the name 'Leon Oswald' is so close to 'Lee Oswald' as to raise the strongest suspicions."

The author is indebted to Jones Harris and Peter Dale Scott, whose research contributed greatly to this article.

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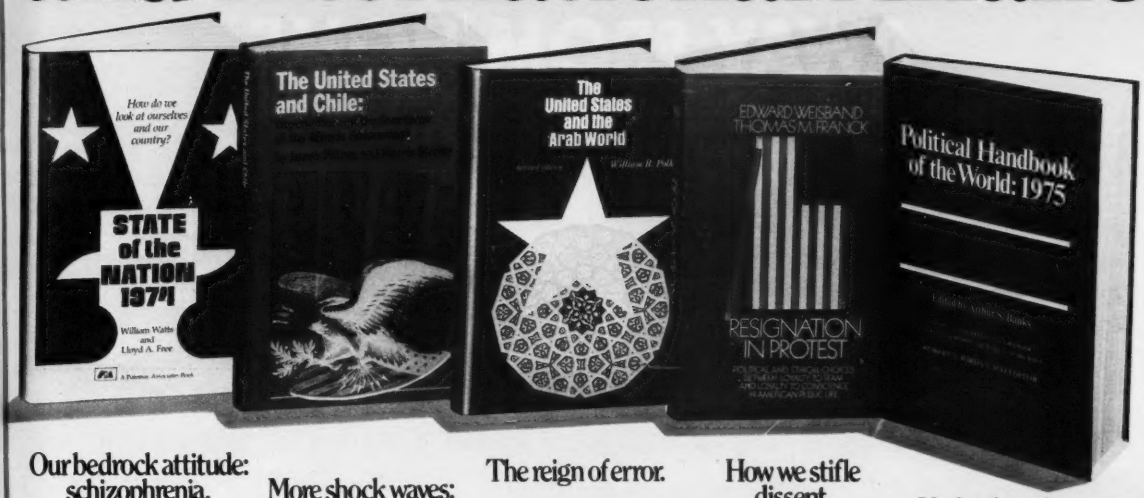
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Loran Eugene Hall, the man who had come to the commission's rescue, was an odd person to be helping the United States do anything. For a time, Hall had fought alongside Fidel Castro as a mercenary soldier of fortune. During the Batista days, Hall and his friends had operated out of Havana's Hotel Capri, whose casino was operated by William McWillie, a gambler and organized crime figure, and, as it happened, the intimate friend of a Dallas strip-joint operator named Jack Ruby. Castro expelled Hall from the island in 1959 on grounds that he was running guns for opponents of the Somoza dictatorship in Nicaragua. Hall left Havana in the company of McWillie and their leader, Santo Trafficante, the organized crime boss of Tampa, Florida. In mid-October 1963, Hall was arrested by the Dallas police on a charge of possession of dangerous drugs. Hall was arrested while in the company of Seymour, the supposed Oswald look-alike (who, in fact, did not look like Oswald at all).

Hall eventually changed his story and told the FBI that he had never met Mrs. Odio. His change of heart, however, did not come until October 2, 1964, ten days *after* the submission of the final commission report to President Johnson, and too late to come to the Warren Commission's attention.

Nor did the members of the commission staff who were investigating the Oswald impostor possibility know that J. Edgar Hoover had considered the same thing two and a half years *before* the assassination. A memo from Hoover to the Department of State, reflecting the director's fears, had apparently been withheld from key Warren Commission staffers, including chief counsel Rankin. It was finally discovered in the National Archives this year. How the memo had disappeared in the first place was a puzzle. Former Warren Commission lawyer David Slawson, who should have seen the memo and didn't, was inclined to suspect the CIA. "It conceivably could have been something related to the CIA," he told the *New York Times*. "I can only speculate now, but a general CIA effort to take out anything that reflected on them may have covered this up." Richard A. Frank, a former State Department official who acted as the department's liaison man with the bureau, suspected that "when the Oswald file suddenly became the object of the most intensive search and review, Mr. Hoover and his friends in the security operation at State simply made it disappear."

However it was "lost," the now-uncovered Hoover memorandum makes for fascinating reading. It shows that the impostor possibility had come to Hoover in a report filed in 1960 by one of his Dallas agents. The agent had interviewed Oswald's mother, who was then very much worried about the safety of her son, who had recently "defected" to the Soviet Union. During the interview, Mrs. Oswald mentioned that Lee had taken his birth certificate with him. To the ever-suspicious Hoover, that raised the possibility that the Russians, should they get their hands on Oswald's identification, would use it to create an identity for an agent, who might then be infiltrated back to the United States. Accordingly, on June 3, 1960, Hoover sent a memorandum to the office of security of the Department of State. "Since there is a possibility that an impostor is using Oswald's birth certificate," Hoover wrote, "any current information the Department of State may have concerning the subject will be appreciated."

When Mrs. Oswald put down the phone, she said she could not be certain that the man on the other end was her son

Hoover's memorandum set the wheels of the State Department in motion. Warnings went out to various offices to be on the lookout for an Oswald impostor. Ten months later, an official in the Passport Office recommended that precautions be taken lest Oswald's passport fall into the wrong hands.

A directive was flashed to the embassy in Moscow instructing consular officials to withhold Oswald's passport until they had personally confirmed his identity. The embassy was also ordered not to give Oswald his passport until after his travel plans back to the U.S. had been completed. The embassy complied with half the directions. Oswald was required to come in to the embassy to pick up his passport—a stipulation he stubbornly fought but to which, finally, he was forced to yield—but the passport was given to him weeks *before* his departure. What he did with it during that time the embassy could not know. At least part of the time, however, it was in the hands of the Soviets.

In itself, the embassy's failure to comply with the department's instructions seems insignificant. Oswald, or so the explanation went, was given his passport to make it easier for him to secure an exit visa from the Soviet foreign ministry. All of which is true enough. Assuming that Oswald went to the Soviet Union in the first place. But did he?

Certainly, Oswald's passport made the journey. That is clear. At least *someone's* passport made the journey, for inside the commission, there were suspicions that Oswald's passport was a forgery. The same memorandum that backs up Mrs. Odio raises questions about the authenticity of Oswald's passport. The relevant section of the memo, however, is almost entirely censored. More than a dozen lines are blanked out, and then one sentence appears: "One other piece of evidence relating to the same point should be brought to the attention of the Commission." Whatever that evidence was, only the secret-keepers know, for approximately the next 18 lines are also blanked out. Finally, the memo picks up: "All of the latter could be lies or forgeries, however, including even the American passport, since it was in Oswald's possession for about two weeks before he came into the American embassy—two weeks when he was in the hands of the KGB."

In any case, a number of Americans also saw Oswald while he was in Moscow, and the Warren Commission published numerous photographs, including some taken in Minsk with Marina, showing a man whom they identified as Oswald. For Oswald not to have gone to the Soviet Union would have required deception on a grand scale. Such deception is precisely what the evidence indicates.

The witnesses who saw Oswald, for instance, were all people who had never seen him before, and would never see him again. Oswald seemed leery of witnesses who might provide independent verification. Of the American reporters who interviewed him, the two saw only a glimpse of him through a crack in the hotel room door. The journalist who spent the most time with him at close range was Priscilla Johnson, the Moscow correspondent for the North American Newspaper Alliance. Ms. Johnson came to see Oswald at the suggestion of the U.S. embassy. She filed no story on her five-hour-long interview, but did report back to the embassy. Later, Ms. Johnson, who is currently writing a book with Marina Oswald, Lee's widow, was identified by the State Department as one of three U.S. government *"employees"* who had had contact with Oswald in Moscow. In any case, Ms. Johnson's memories of her encounter are as interesting as her background.

She described the man she inter-

viewed as "resembling a college boy with a southern drawl," clad in "flannel slacks and a tan cashmere sweater," an image that contrasts sharply with the Oswald people knew in Dallas and New Orleans, a sloppy, slovenly dresser, given to T-shirts and string ties. Twice during his stay in the Soviet Union, Oswald received telephone calls from home—one from his brother, Robert, the other from his mother, Marguerite. Oswald refused to even take the call from Robert, and, during his conversation with his mother, which lasted less than a minute, his responses consisted of grunts and "um-ums." When Mrs. Oswald put down the phone, she said she could not be certain that the man on the other end of the line was her son. For more than a year, Oswald was out of touch with his family. He never wrote them, and their letters to him were returned unopened. Only after Mrs. Oswald went to the State Department, demanding that the government check on her son's well-being, did a first letter from Lee suddenly arrive.

The letters themselves were suspicious, one in particular. In the letter dated October 1959, Lee writes his thanks for recently delivered Christmas presents, some American fashion magazines that Marina had requested. The problem is that he is referring to events that occur during the winter of 1960-61. In October 1959, he had not yet met Marina, much less married her.

In this letter, as in virtually all his correspondence and writing, Oswald's spelling, syntax and grammar are atrocious, so bad that some medical experts who have read his letters have concluded that Oswald was a victim of dyslexia, a learning disability that distorts the subject's perception of written words.

By contrast, several letters Oswald wrote in 1963 to the New York offices of the Fair Play for Cuba Committee are literate, well-punctuated and virtually error-free.

The differences are indeed striking, and not only to assassination buffs intent on proving the existence of a conspiracy. The Warren Commission itself noted the discrepancies (though made no mention of them anywhere in the report) and debated their meaning at a recently declassified executive session of January 27, 1964. The top secret transcript of that meeting includes the following exchange:

> "RANKIN: . . . It is very difficult to understand how anyone could write the letters he did from Russia and then write the other letters that he wrote in regard to the Fair Play for Cuba.
>
> "BOGGS: Right, the spelling has changed.
>
> "RANKIN: It is a world of difference. It is hardly believable that anyone could have acquired such information during that period of time.
>
> "BOGGS: . . . That letter has caused me a great deal of trouble. It is a much more literate and polished communication than any of his other writings.
>
> "RANKIN: That is right."

No less troublesome was the "historic diary" Oswald kept after his arrival in Moscow. It seems to be in Oswald's hand, but what is not at all certain is *when* and *where* he wrote it. In a top secret memo, declassified in 1975, two lawyers for the Warren Commission expressed serious doubts about the "diary's" authenticity. "Even assuming that it is an authentic document," the memo argues, "[Oswald's diary] is not a good guide to the details of what occurred. He must have filled in most of the Diary entries for this period at a later time, possibly much later, and he seems not to have worried whether he was accurate or not on dates and even names." Indeed, the lawyers were suspicious of *all* the records of what purported to be Oswald's trip to the Soviet Union. They noted:

> "A high proportion of all the evidence on Lee Harvey Oswald which relates to his travel to and life in Russia derives from sources that could have been fabricated or otherwise falsified. The main sources of such evidence are his own statements after he returned to the United States. The letters he wrote from Russia to members of his family, Marina's statements to friends after she came to America and her testimony to the Commission, and all sorts of writings and documents dating from the Russian period or shortly thereafter. All of these sources *could* have been put together by the KGB, or be the result of its careful 'coaching.' "

"A high proportion of all the evidence on Oswald which relates to . . . his life in Russia," said the commission memo, "derives from sources that could have been fabricated or otherwise falsified"

Or, conceivably, Oswald's diary and letters could just as well have been written from the comfort of some undisclosed location in the United States as in Minsk.

Oswald had to be somewhere else, because, from most of the photographs taken of him in the Soviet Union, he does not seem to have been in Minsk. The "Oswald" who was in Minsk, and whose pictures appear numerous times in the Warren Commission's volumes (see photo section), seems thicker of hair, fuller of face and broader of jaw and chin than does the Oswald who was born in New Orleans on October 18, 1939, and was shot to death in the basement of the Dallas jail on November 24, 1963. Some members of the Warren Commission staff were also troubled by the photographs. The possibility that they were fakes, according to Alfred Goldberg, author of the "Speculations and Rumors" section of the report, was briefly evaluated but discarded as "a private rumor." Most of the photographs are head shots, though there are several taken of "Oswald" full-length, including one widely reproduced photograph of "Oswald" standing alongside Marina on a bridge in Minsk. The picture is so familiar that not until recently has it been closely examined. When studied, the picture reveals an inexplicable and damning anomaly.

In the photograph, Lee is standing half a pace in front of Marina, putting him closer to the camera, and, thus, increasing his height ever so slightly. Marina is wearing low heels, almost certainly not more than an inch in height (at the time, taller heels were not sold in the Soviet Union). Side by side, Lee appears to be an inch or two taller than Marina. Thanks to Soviet records, we know that Marina's height is a fraction under 5′3″. (Priscilla Johnson, who has seen her numerous times since the assassination, describes her as "a little bitty thing . . . five feet about.") Add the inch from the heels and Marina stands 5′4″ tall. Lee, then, would appear to be 5′5″ or 5′6″ tall at most. Unfortunately, the passport issued to Lee Harvey Oswald lists his height as 5′11″ tall, nearly half a foot taller than the man in the picture with Marina.

There are other problems. When Oswald enlisted in the Marine Corps on October 18, 1956, doctors listed his height as 5′ 8″. On his discharge nearly three years later, doctors found he had grown three inches. Yet, during his autopsy on November 24, 1963, Oswald was measured at 5′ 9″—two inches less than the height listed by the Marines and on his passport. Men do grow. They are not known to shrink.

When the incredible shrinking Os-

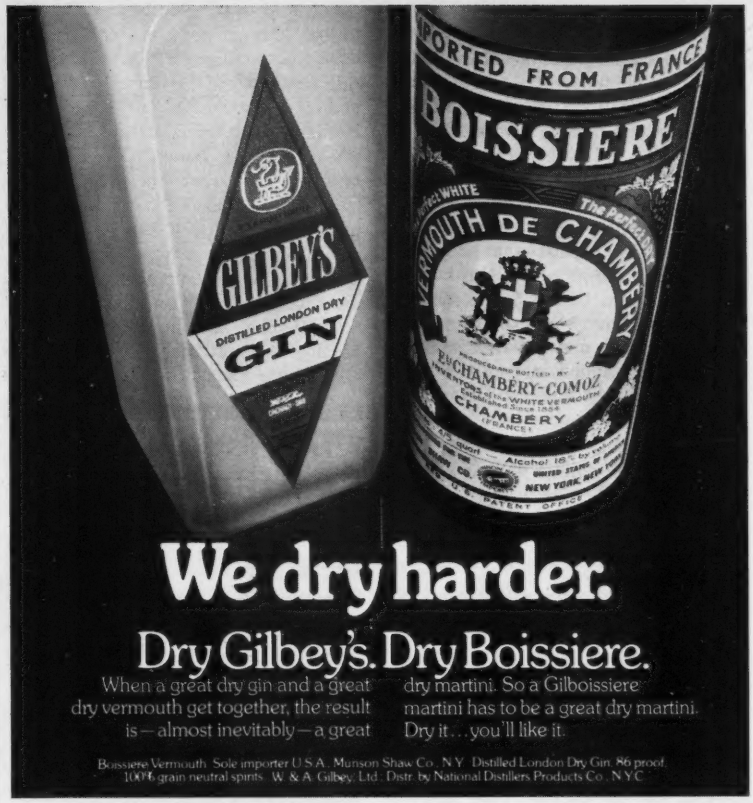
wald arrived in the United States, he was met by a Travelers Aid representative named Spas Raikin, who saw him standing alongside Marina. "There was no significant difference between his [Oswald's] height and that of his wife," Raikin later recalled. "He was my height. I am certain of that." Spas Raikin stands 5'6", about the same size as the man photographed in Minsk, and three inches shorter than the Oswald who was killed in Dallas. The "Oswald" who walked into the Dallas car dealership was also short: "He was five feet nothing," recalled one of Bogard's co-workers.

Who were all these people?

On the face of it, there seem to have been several Oswalds: one who entered the Marine Corps, another who was discharged, a third who lived in the Soviet Union, a fourth who returned to Dallas to be murdered, a fifth who impersonated him at a car dealership. But, for convenience's (if not sanity's) sake, assume that there were three: an historical Oswald, the man who was born in New Orleans and died in Dallas; a "secret agent" Oswald who went to the Soviet Union, presumably on a mission for the United States; and an impostor who was used to frame the historical Oswald for the murder of John Fitzgerald Kennedy.

This is not a happy solution; the mind recoils from anything that deviates from straight-line logic. We are comfortable with things that are simple, persons who are what they seem to be. Anything involving impostors and double agents and treachery seems torn from a script of *Mission Impossible*. It may well be. As it happens, it is also the way things work in the world of intelligence. Look-alikes are used. Identities are forged. Agents are planted. As Dwight Eisenhower, a man as plain as Kansas, said once of intelligence work, "These activities have their own rules and methods of concealment which seek to mislead and obscure."

Concealing and obscuring is what seems to have happened to the identity of Lee Harvey Oswald. Critics of the Warren Commission have long been suspicious of Oswald's background, especially the years he spent in the Soviet Union. That period of his life is pregnant with intelligence possibilities. Oswald, for example, managed to make the expensive journey, even though his bank account showed a total balance of $203. He took a plane from London to Helsinki when no commercial flights were available. He informed the U.S. Embassy that he had offered to turn over radar secrets to the Russians—in short, admitting that he was willing to commit espionage—yet when he returned to the United States, he was not detained, or even questioned, by the



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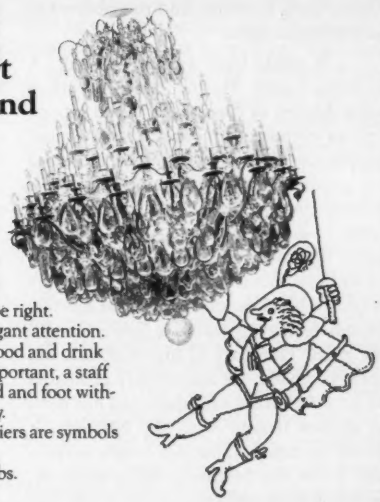

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FBI or CIA, which, at the time, were interviewing ordinary tourists returning from Yugoslavia. While the CIA was conducting mail "covers" on all letters between the United States and the Soviet Union—photographing more than 4 million pieces of mail per year—Oswald's CIA file contains *no* letters. When Oswald met his wife-to-be in Minsk, she was living with her uncle, a senior official in the MVD, the ministry that houses the feared Soviet secret police. On their return trip to the United States, Oswald managed to cross the Iron Curtain at Helmstedt, the most tense, security-conscious checkpoint in Berlin, without having his passport stamped. From there, he went to Amsterdam, where he lived in an "apartment" for two days before boarding a ship for the United States. All of these things, and many more, suggested that Oswald was an agent. Yet the CIA did nothing. The mystery, as Sherlock Holmes would have put it, is why the dog *didn't* bark.

Secretly, the Warren Commission worried about Oswald's background, too. Two commission lawyers put together a 111-page top-secret memorandum spelling out the worries and the evidence that pointed at Oswald's having been an agent. The lawyers and the commission finally concluded that Oswald had not been working for the Soviets. They did not consider the other, likelier possibility: that he—or whoever went to the Soviet Union using his name and passport—was an American agent.

It might have worked like this: A rootless young Marine, bright, with a keen interest in Russia and world affairs, and an even keener sense of what he presumes are his own abilities, is recruited for an intelligence assignment. His job is a simple but important one: to stay out of sight, to go underground, while a skilled agent borrows his identity for an assignment in the Soviet Union. He is, in many ways, an ideal candidate. For he has few friends to leave behind, a family he will not miss. The story of his defection will seem probable. He has already professed an admiration for Marxism, and has been in serious trouble with the Marines. It would be unusual, but not overly surprising, if one day he turned up in Moscow, peddling radar secrets.

The second Oswald, whoever he is, is a trained professional, a practitioner of the craft of intelligence. Someone who knows what to look for and can keep his mouth shut. Superficially, he resembles Oswald. He need not be identical to pass. All he requires is a birth certificate and a valid U.S. passport, a passport he will return to the United States government shortly after he reaches Moscow.

And so the plan begins. The "historical" Oswald goes into cold storage, while the "intelligence" Oswald boards a ship for Europe. He arrives in England and is put aboard a "black" flight for Helsinki. From there, it is a simple train ride across the border. The Russians, however, are suspicious. They fear a "sleeper agent" has been planted in their midst, and they pack him off to Minsk and out of harm's way. After two years, his mission either completed or aborted, the "intelligence" Oswald departs the Soviet Union. A stopover in Berlin, debriefing in Amsterdam, and then it is home to the States. He boards a plane in New York and, following instructions, gets off in Atlanta. Here the "historical" Oswald catches up with his identity. When the plane lands in Dallas, the "historical" Oswald deplanes to be met by family and friends. He talks about the Soviet Union, but is strangely vague about the details. When an unknowing FBI agent asks why he went to Russia, he can think of only one answer: "It is just something I did."

Of Oswald's letters from Russia compared to his later writings, Rankin said: "It is a world of difference. It is hardly believable that anyone could have acquired such information during that period of time"

The catch, of course, is Marina. What sort of woman would marry a stranger, bear his children and keep silent when another man suddenly gets on a plane and takes his place? One answer is a woman with intelligence ties of her own, and here Marina's cloudy background and purposeful evasions seem strongly suggestive. But what kind of background? To guarantee her silence, it would seem that she, too, had to have some connection to American intelligence. But all the signs point in the opposite direction. And how likely is it that the KGB and the CIA would mount a joint operation?

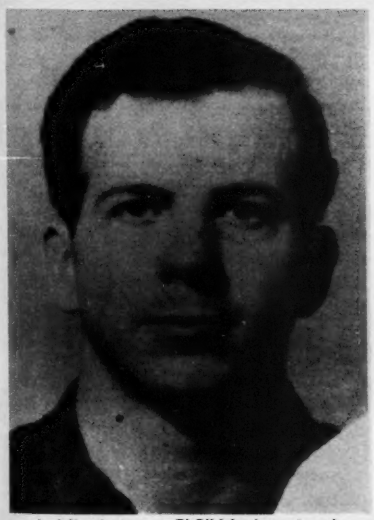
Such is the dilemma. The story seems fantastic, but no more so than some of the astonishing happenings of the last decade, events of such profusion that they have lost the capacity to shock, and have become instead macabre, accepted commonplaces. In the end, it comes down to a simple, bizarre choice: either Lee Harvey Oswald could increase and decrease his height and alter his appearance at will, or there was someone else using his identity.

Dallas, by contrast, is a far simpler matter. It would have been relatively easy to use an Oswald look-alike to implicate the real Oswald in the crime—especially if such deception had already been practiced once. One has to speculate, but, possibly, this is what might have happened:

Not the agency, but someone close to the agency, familiar with its workings and its weaknesses, discovers a young former Marine, who once served in an intelligence capacity and now works as a government informer. Again, a double is used, but this time without Oswald's knowledge. A trail of incriminating clues is left, pointing straight at a pro-Castro activist. When Oswald is arrested and charged with the President's murder, there is no convincing way that either the FBI or the CIA can explain that while he was once their man, he is no longer. After November 24, Oswald himself is in no position to talk. Confronted with such a conundrum, one fraught with peril for the security of the world, the United States government does what it has to do. It lets sleeping dogs lie.

By the fateful autumn of 1963, Oswald had become a shadow, a blur, now in focus, now out. He seems to have gone to Mexico in late September 1963 for the purpose of seeking a visa for travel to Cuba. Then, or later, no one was able to accurately track his movements, much less divine what motive lay behind them. Hotel records show that a man named Lee Harvey Oswald was staying in Mexico City. Coincidentally, the hotel where he lived during that time was a haunt for anti-Castro Cubans and their agency patrons. Oswald visited two places where he was sure to leave a record. One was the Soviet Embassy, then under constant CIA electronic and photographic surveillance.

As former agent Phillip Agee, who served in the agency's Mexico City station, later described it, the surveillance of the Russian Embassy was an elaborate operation. "The station," he wrote in his diary, "has two observation posts in front of the Soviet Embassy, which cover the entrances, plus a third observation post in back of the Embassy to provide coverage of the gardens. . . . From one of the



In Minsk: top, a 5' 3" Marina stands next to either the 5' 9" (autopsy records) "Oswald" or the 5' 11" (Marine records) "Oswald," who here appears to be about 5' 6". Middle: a bushier, cheekier "Oswald" with friends and KGB agents. Below: a round-faced and square-jawed "Oswald" alone and with a Cuban friend (whom the commission identified as a Hungarian).

front OP's [observation posts], radio contact is maintained with the . . . surveillance team for signalling when a particular Soviet surveillance target leaves the embassy, his route and other data. Photos are regularly taken from all the OP's of Soviets and their families and all visitors to the embassy. When visitors use vehicles, photographs are taken of their license plates for tracing."

The cameras were in operation on October 1, the day "Oswald" visited the embassy. The pictures were developed and a report sent to Washington. On October 10, the CIA sent a teletype message to the FBI, the Navy and the Department of State, stating that Oswald had been observed going into the Soviet Embassy. The CIA's description of him as a six-foot athletically built, 35-year-old did not gibe with the slightly built 23-year-old who was Lee Harvey Oswald. Evidently, the disparity bothered the CIA as well, for on October 23, the agency requested that the Navy immediately forward its two most recent photographs of Oswald, so it could send the pictures to Mexico City to compare them with the pictures taken of the Oswald at the embassy. The Navy never sent the pictures. On November 22, the CIA turned over one of the pictures it had taken of "Oswald" in Mexico City to the FBI. There was a problem. Whoever the man was in the photograph, it was not Lee Harvey Oswald.

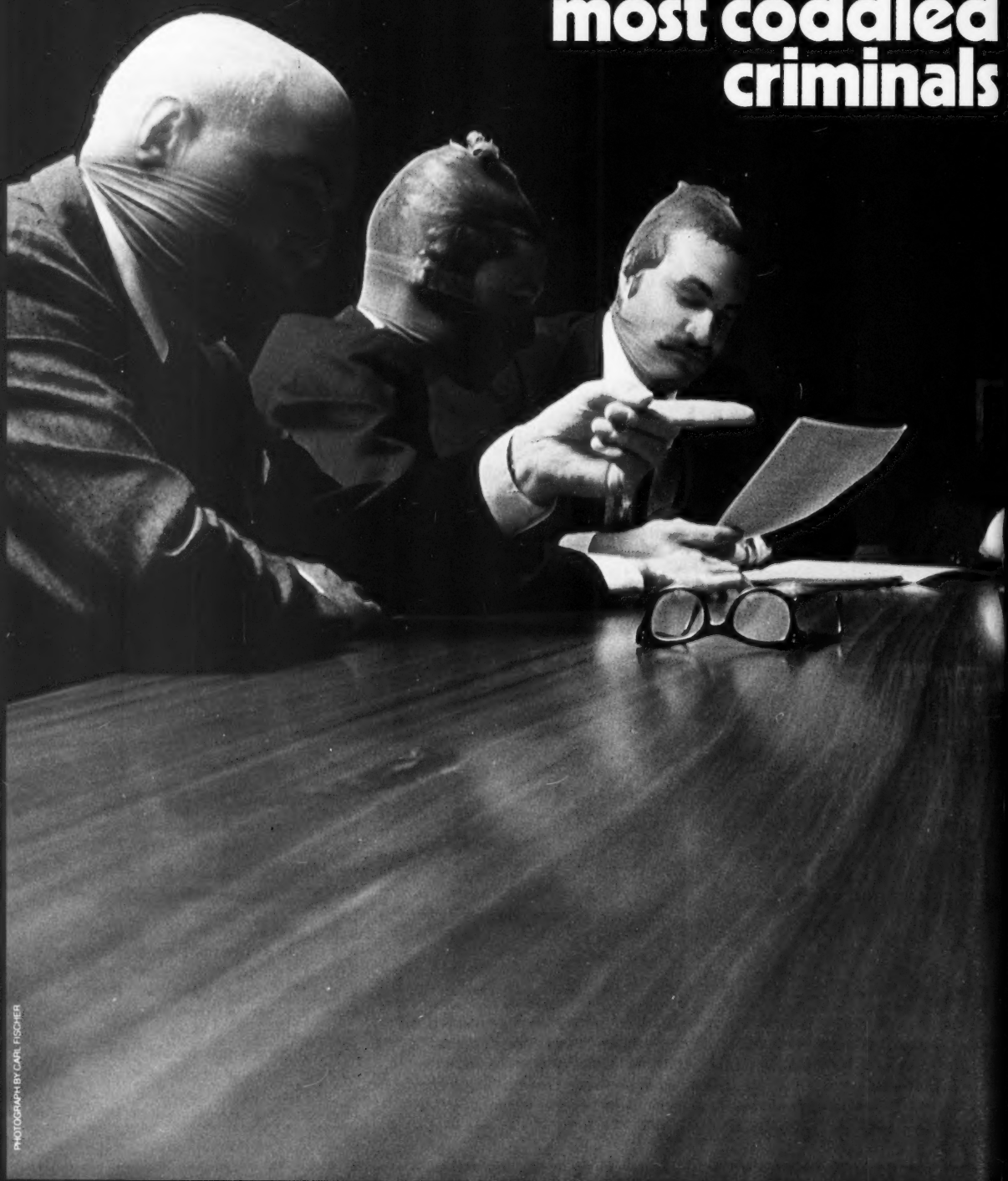
The CIA later admitted that the man in the photograph was not Oswald, that there had been a "mix-up," and that it would explain to the Warren Commission later how it occurred. The explanation was never forthcoming. The man who was not Oswald was never identified. The pictures of the real Lee Harvey Oswald were never found. Perhaps because they never existed.

The impostor had one final assignment. A few minutes after the assassination, when the real Lee Harvey Oswald was riding in a taxi away from the crime, a deputy sheriff named Roger Craig was searching Dealey Plaza, looking for the place where the bullet that had missed the presidential limousine had struck. Suddenly, he heard a whistle, looked up and saw a man running from the Book Depository to the freeway. Craig was sure it was Oswald. He ran after him, but it was too late. The man got into a light-colored Rambler station wagon and disappeared beneath the triple overpass. Later, the Warren Commission would record: "Although Craig may have seen someone enter a station wagon 15 minutes after the assassination, the person he saw was not Lee Harvey Oswald, who was far removed from the building at the time." ●

America's most coddled criminals

By Blake Fleetwood and Arthur Lubow

He had a businessman's suit and a businessman's tan, but Jack L. Clark no longer had a business. His nursing home construction company had collapsed in a gigantic stock fraud, leaving shareholders out $200 million and leaving Clark in a federal courthouse, awaiting sentence for stock manipulation. Ten million of the swindled dollars had allegedly gone for Clark's personal use, and prosecutors accused him of stashing away 4 million unrecovered dollars in a retirement nest egg. Out of an original indictment of 65 counts, Clark had pleaded guilty to one charge. He faced a maximum penalty of a $10,000 fine and five years in prison. But the judge, before passing sentence, remembered the "marked improvement" in

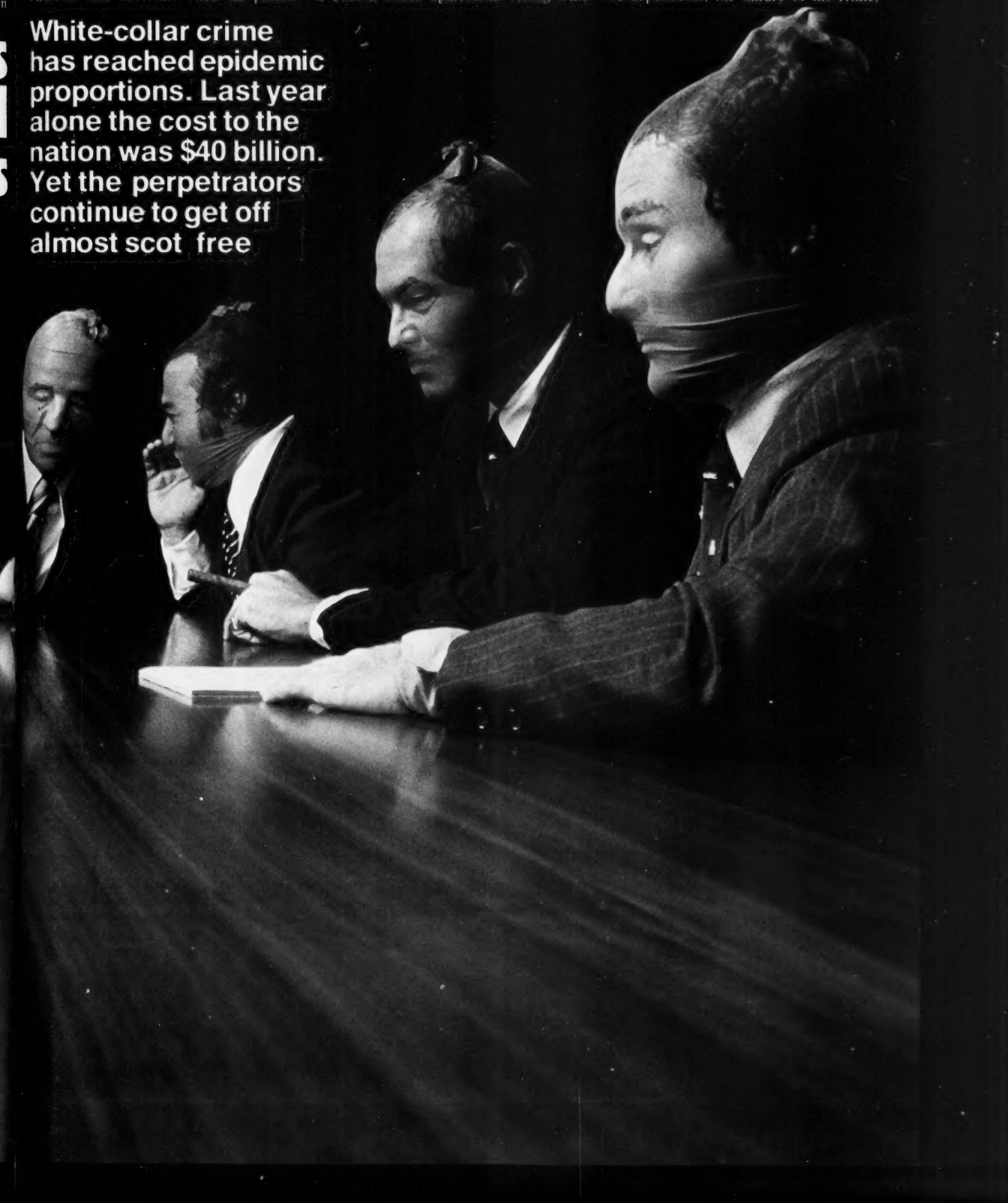


PHOTOGRAPH BY CARL FISCHER

care for the elderly that Clark's nursing homes had provided. He recalled Clark's "blameless life" as described by the defense attorney. He heard Clark's apology. He considered that Clark was a 46-year-old family man who coached little kids in baseball and football. Then he passed sentence. No fine. One year in prison. Eligible for parole after four months.

In another federal courtroom stood Matthew Corelli (not his real name), a 45-year-old, $125-a-week laborer who lived with his wife and kids in a $126-a-month apartment. Along with three other men, Corelli had been convicted of possessing $5,000 of stolen drugstore goods that government prosecutors identified as part of a $63,000 shipment. The judge considered Corelli's impoverished circumstances, his number of dependents, the nature of his crime,

White-collar crime has reached epidemic proportions. Last year alone the cost to the nation was $40 billion. Yet the perpetrators continue to get off almost scot free



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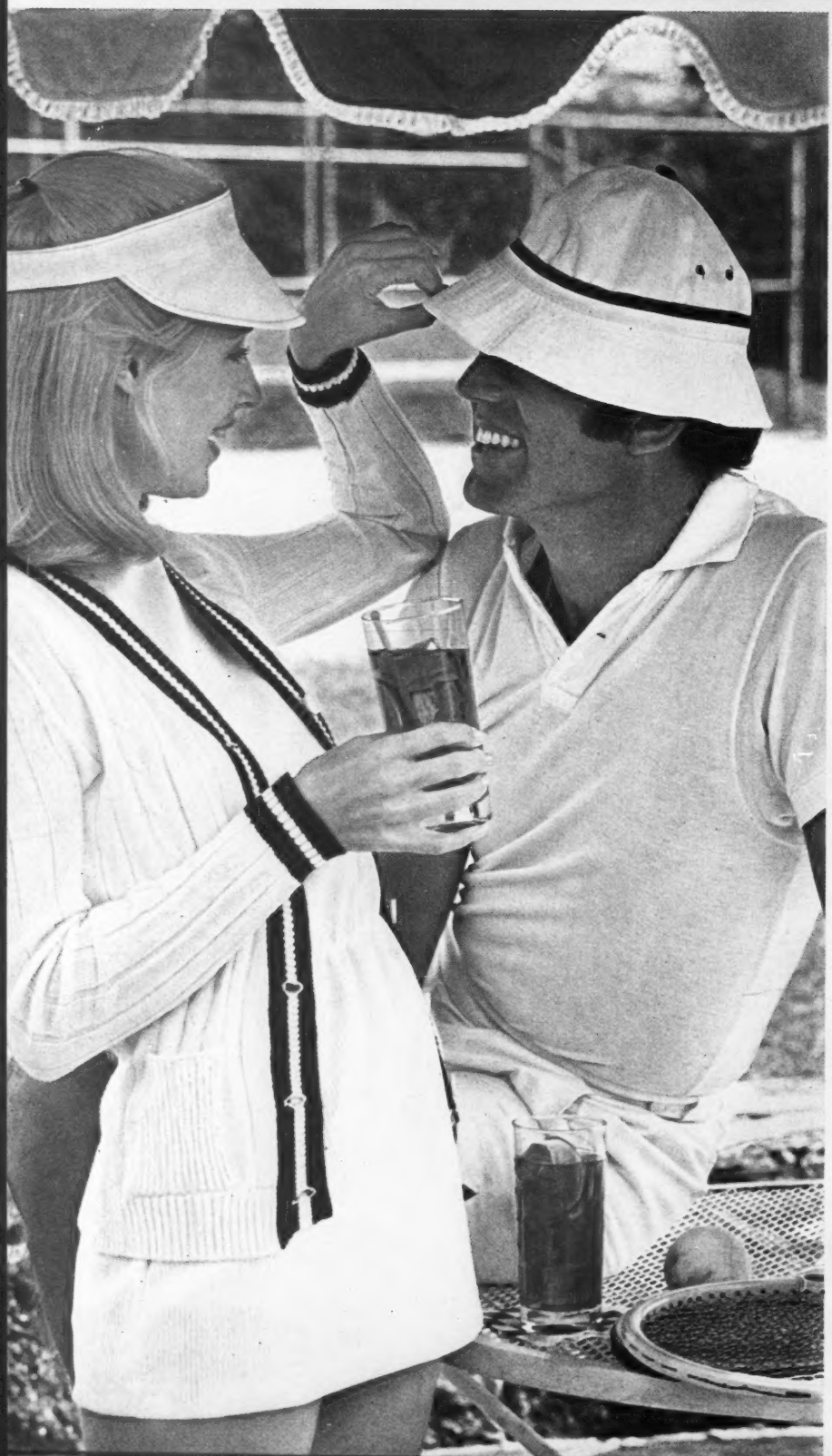

You're about to have your usu after-the-match drink. But yo in the mood for something different. So you have Campa & Tonic instead.

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and then passed sentence: four years in prison. Or, in other words, four times the punishment Clark received for a fraction of the crime.

An aberration? A mistake? Not at all. Former U.S. Attorney Whitney North Seymour, Jr., examined the federal sentences handed out four years ago, and discovered that only 22 percent of convicted embezzlers went to jail, and those who did received an average sentence of under two years. As for those guilty of security fraud, such as Clark, only 16 percent wound up behind bars, with an average sentence of less than one year. Judgments against "common criminals," on the other hand, were far higher: 71 percent of convicted auto thieves went to prison for an average sentence of three years, and 64 percent of those convicted of transporting stolen property, such as Corelli, were sent to jail with a typical sentence of four years.

In a moral climate like this, it is little wonder that we are currently in the midst of what Ralph Nader calls "a white-collar crime wave." Over the last six years, white-collar crime (defined by sociologist Edwin Sutherland 25 years ago as crime committed by a person of "respectability and high social status . . . in the course of his occupation") has risen 313 percent, while robberies have increased only 12 percent. The headlines tell the same story, but more eloquently. In the last two years, a stream of disclosures of high-level hijinks has poured through the original breach of Watergate. Executives of some of the nation's top companies—Exxon, Northrop, ITT, Lockheed—have admitted to bribing foreign officials with huge sums of money to gain lower tariffs, higher profits and general privilege all around. An executive of United Brands, fearing disclosure of bribes made in Honduras, jumped to death from New York's Pan Am building last February—appropriately with his briefcase in hand. Dozens of other giant American companies—American Airlines, Ashland Petroleum, Gulf Oil, Braniff Airlines, Phillips Petroleum, to name a few—have admitted to siphoning off stockholders' money to make illegal political campaign contributions, often to both parties to ensure favoritism no matter who won. Stock swindles of enormous proportions, such as those by Equity Funding and Home-Stake Production, have bilked investors out of hundreds of millions of dollars. And on it goes: widespread payola in the music business, fraudulent grain inspections, massive expense-account padding, nursing home rip-offs, phony land deals . . . . It all adds up, according to the U.S. Chamber of Commerce, to a staggering $40 billion worth of white-collar crime per year. That's as much as the entire U.S. budget in 1950; or, to put it another way, 200 times the amount all the bank robbers in the country ran away with last year.

And that's a conservative guess. Adding up white-collar crimes is like counting stars: They're everywhere you look, and most of the big ones are invisible. A true estimate of the damage done to society by the thousands of crooks in pinstripes and double knits is almost unimaginable.

Less than ten years ago, this country felt smug in its own morality. Citizens of other countries cheated, bribed, swindled on a gross scale, but not us. Our Billy Sol Estes and Bobby Bakers were freaks, sideshows in the squeaky-clean circus of capitalism. It was possible then to even summon up outrage over the ways of others. In 1967, *Time* magazine ran an extraordinarily pious essay entitled "Corruption in Asia," in part to explain why American dollars were disappearing so fast with so little result. Conceding that "the evil of corruption, to be sure—is not peculiarly Oriental," the magazine suggested just how great the difference nevertheless was between East and West: "In the West, corruption takes ingenuity. In Asia, corruption is habitual and even traditional." As an example, *Time* cited the case of a friend of the mayor of Manila, who had given the mayor a loan of $7,700 without interest because he was the mayor's "compadre." The reader of today might wonder: What about Nelson Rockefeller's $1.75 million in interest-free loans or gifts to public officials over two decades? $625,000 to William J. Ronan, $50,000 to Henry Kissinger, $86,000 to L. Judson Morhouse, $176,000 to Edward J. Logue. Could it be that Rockefeller's accountant is Oriental?

Much of the piousness toward others has disappeared, but it has yet to be replaced with an outrage at ourselves. The breadth of corporate bribery, for instance, has left most of the nation's ethics experts temporizing. Asked by a *New York Times* reporter about the recent bribery disclosures, a professor of management and business at the University of California replied, "At a high level of ab-

For convicted businessmen, Watergate is only a memory

Not since the Kefauver hearings on the Mafia have so many wealthy criminals exploded so suddenly on the American consciousness. The list of illegal corporate contributors to the Republican 1972 campaign grew longer as the Watergate special prosecutor delved deeper. Now that the headline type has faded, most of us might assume that these convicts have suffered for their crimes. Right? Wrong. A recent *New York Times* survey of 21 business executives who admitted making illegal political contributions revealed that most had retained their jobs. The biggest executives of the biggest companies fared best. Harding L. Lawrence, chairman of Braniff, renewed his contract until 1980 at no less than $250,000 a year—an annual raise of $30,000. He will also, as in the past, be receiving $80,000 a year in Braniff consulting fees, and he can count on $85,000 a year in retirement benefits. Thomas V. Jones, although stripped of his title of chairman of Northrop, remains the corporation's chief executive officer, earning $286,000 a year. Harry Heltzer, who retired as chairman of the Minnesota Mining and Manufacturing Company, received $428,000 in compensation in 1974. His retirement benefits will total about $125,000 a year. Meanwhile, he is making an annual $100,000 doing special assignments for 3M. Another man who stepped down—William W. Keeler, former chairman and chief executive officer of Phillips Petroleum—will be taking home a pension of over $200,000 a year. His stock holdings in Phillips are estimated at today's prices to surpass $3.4 million.

Two of these men paid $1,000 fines. Jones paid $5,000 and Heltzer paid $500. For some, these would be prohibitive amounts; to these folks, obviously, it was pocket change. The exposure of their illegal activities gave corporate criminals some unpleasant publicity. For a few months, they were asked questions or heard comments about nothing else. But most of the questions were friendly, few of the comments were nasty and, now that the hubbub has hushed, they are back at their desks, making their fortunes.

Blake Fleetwood last reported for New Times *on the shooting of 10-year-old Clifford Glover by a New York City policeman. Arthur Lubow is a free-lance living in New York.*

straction, it's clear that American companies should not engage in wholesale bribery abroad, but I can't pass judgment until I get down to the operating details and ask when a bribe is a tip or a commission."

Such semantics seem to have become the order of the day, a Newspeak to cover Newcrime. Last month, during a Senate Banking Committee hearing on government loans to Lockheed, that company's chairman, Daniel J. Haughton, objected to the use of the word "bribes" to characterize $22 million the company had paid illegally to foreign officials and politicians. And how would Mr. Haughton describe such payments? Well, he said, his lawyer preferred the word "kickbacks." Later, when asked where the money went, Haughton said he did not know. That is, he did not know where it ended up, only to whom it was first paid. So, asked Senator William Proxmire, how did he know the payments were effective? "If you get the contract," Haughton replied, "it's pretty good evidence. . . ."

As often as not, the reaction to our own recently perceived corruption is vague amusement. Take, for instance, the public response to the giant Home-Stake Production swindle, in which hundreds of people were bilked out of $100 million when they invested in oil wells that did not exist. Because of the people who were robbed—corporation presidents and show-business personalities such as Liza Minnelli, Walter Matthau, Andy Williams and Bob Dylan—the case drew mostly titters. The fact that Home-Stake Production President Robert Trippet and 12 other men from the firm were indicted by a federal grand jury seemed

Our pick

Ten bandits: what they did and what they got

This isn't the Chamber of Commerce list of brightest young businessmen, and it's not the ten best-dressed list. It's a list of ten very respectable criminals. Have any favorites you don't see here? Send them in.

Criminal	Crime	Sentence
Jack L. Clark	President and chairman of Four Seasons Nursing Centers, Clark finagled financial reports and earnings projections to inflate his stock artificially. Shareholders lost $200 million.	One year in prison.
John Peter Galanis	As portfolio manager of two mutual funds, Galanis bilked investors out of nearly $10 million.	Six months in prison and five years probation.
Virgil A. McGowen	As manager of the Bank of America branch in San Francisco, McGowen siphoned off $591,921 in clandestine loans to friends. Almost none of the money was recovered.	Six months in prison, five years probation and a $3,600 fine.
Valdemar H. Madis	A wealthy drug manufacturer, Madis diluted an antidote for poisoned children with a worthless, look-alike substance.	One year probation and a $10,000 fine.
John Morgan	President of Jet Craft Ltd, John Morgan illegally sold about $2 million in unregistered securities.	One year in prison and a $10,000 fine.
Irving Projansky	The former chairman of the First National Bank of Lincolnwood, Ill., Projansky raised stock prices artificially and then dumped the shares, costing the public an estimated $4 million.	One year in prison and two years probation.
David Ratliff	Ratliff spent his 21 years as a Texas state senator embezzling state funds.	Ten years probation.
Walter J. Rauscher	An executive vice-president of American Airlines, Rauscher accepted about $200,000 in kickbacks from businessmen bidding for contracts.	Six months in prison and two years probation.
Frank W. Sharp	The multimillion-dollar swindles of Sharp, a Houston banker, shook the Texas state government and forced the resignation of the head of the Criminal Division of the Justice Dept.	Three years probation and a $5,000 fine.
Seymour R. Thaler	Soon after his election to the New York State Supreme Court, Thaler was convicted of receiving and transporting $800,000 in stolen U.S. Treasury bills.	One year in prison and a fine of $10,000.

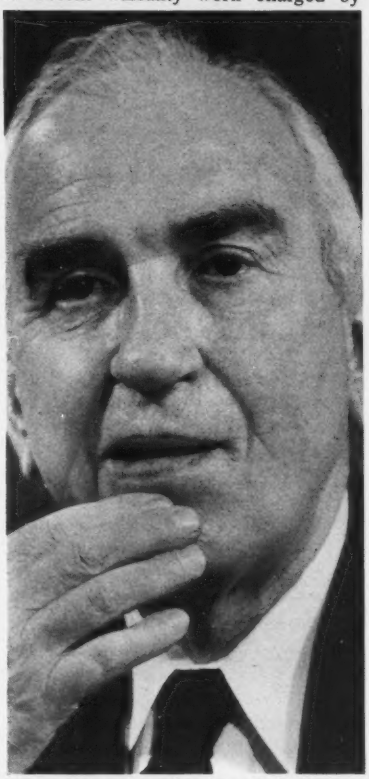
to cast almost no hint of probation on their characters. As one of Trippet's friends and Tulsa neighbors put it, "What he [Trippet] might or might not have done to Barbra Streisand or some G.E. executive isn't of much concern to us here [in Tulsa]."

The real loss of Home-Stake was not that Dylan and Streisand and the other celebrities were swindled but that the story itself furthered the most popular and dangerous misconception about corporate crime: It either hurts people who are "somebody" or it hurts nobody at all. The truth is that most white-collar crimes victimize the American public far more than the more celebrated and feared street crimes. They seldom kill, but they inflict thousands of "little muggings" on the average citizen, driving up the cost of products and services and often obliterating jobs and life savings. Worst of all, white-collar crimes pollute the environment, sometimes literally but always psychically, tearing the social fabric of law and order and trust on which we all depend.

The press has never properly focused on white-collar crime because it is far easier to report off the police blotter, feeding the public a steady diet of rape, robbery and murder stories. City editors believe, no doubt rightly, that the bus rider wants a story with human drama and sympathetic victims. If the Bronfman kidnapping had not actually happened, the press might well have staged it, so well did it fill the traditional summer news hole. (Query: Would the granddaddy of all political crimes, Watergate, ever have been reported or discovered at all had it not started out as a third-rate burglary?)

But occasionally some light breaks through and a newspaper or magazine will tackle the far harder assignment of stock manipulations, antitrust violations, grain inspection scandals, telephone rate fixing and bribery. After the giant Equity Funding scandal broke, in which a major life insurance company puffed up its stock value by manufacturing bogus insurance policies, *The Wall Street Journal* took a look at some of the losers. It found hundreds of middle-class workers who had invested all of their life savings in the company, only to wind up with no money and no recourse, their lives shattered far more than if they had been mugged and robbed by a stranger on a city street: a 74-year-old widow who had invested $7,000 and now, after 55 years of work, had $900 left in her bank account; a New Jersey man forced to keep working despite failing health, afraid to tell his family he had lost their savings of $25,000; a Nebraska couple who had borrowed on their assets to buy the stock, hoping the return would finance a needed operation for their son. "Where were the men who were supposed to watch out for us little people?" asked a retired man who had invested $21,000 in Equity. "They tell us it's all safe, all regulated, so they can get you to invest. Then you find out its still nothing but a big crapshoot, and you're marked for a loser."

Another candle in the dark and mysterious world of white-collar crime was lit recently by *Boston* magazine, which published a fascinating story on fraudulent warranty work charged by



Daniel Haughton, Lockheed chairman, prefers the word "kickback" to "bribe."

automobile dealers and paid by manufacturers. Investigating a Chevrolet dealership in Lowell, Mass., the magazine uncovered up to $20,000 a month in fraudulent claims, faked inspections, blackmail, manufacturer complicity—and one corpse (an inspector who would not play ball). Said one General Motors executive interviewed for the article, "Is warranty fraud endemic to the automotive industry?–that's absolutely true!" How much does it cost U.S. citizens? Every auto insurance policyholder pays approximately 20 extra dollars a year. And auto frauds form just the tip of the insurance iceberg. Fraud inspector James Ahern estimated on a recent NBC documentary that "ten percent of all insurance claims have some degree of fraudulent activity, and if that's the case, we're talking about an annual figure of one and a half billion dollars." Swindles in tax collection, automobile sales, construction work—in fact, in virtually every sector of economic life—suck a hidden tax of several hundred dollars from the average American's income.

The small investor is often the hardest hit in a stock swindle, since he has neither the sophistication to avoid fraud nor the assets to survive it. One classic stock shenanigan that has cheated the naive for 50 years is called a Ponzi scheme, after a Boston immigrant who in 1920 promised a 40 percent return in 90 days on every dollar invested. Before he was sent to prison for five years, Charles Ponzi collected $10 million. A Ponzi scheme requires money from new investors to pay the promised returns to the earlier subscribers. It builds and builds and builds . . . and then it bursts. Dr. Almeda Flores, an elderly general practitioner, lost her life savings of $150,000 to a Ponzi scheme engineered by Bennett Raffer, a 19-year-old, self-proclaimed "Boy Wonder of Wall Street" whom she was treating for gross obesity. Raffer said he'd turned his bar mitzvah gifts into $1 million through shrewd investments. His lifestyle supported his claim. He had a fancy office, one Cadillac and two Mercedes limousines, and a Lear jet. But he had made no investments for Flores, or for anyone else. Instead, he had bilked a group of people ranging from his doctor to the doorman at the Drake Hotel out of a million and a half dollars. Although he and his father, a New Jersey accountant, were caught and sentenced to six and nine months in jail, respectively, none of the money was recovered. For the 65-year-old Dr. Flores, who had invested the earnings of 40 years of medical practice

"How can we prosecute white-collar crime?" asked the prosecutor. "It appears that the Wall Street community is not anxious to get rid of its sharpies and thieves"

plus funds entrusted to her by South American relatives, the loss was shattering. "It was my whole life," she said. "How much longer can I go on working? I wish I was a girl of 25 again."

Related to the Ponzi scheme is the pyramid sales technique, a grandiose version of the old-fashioned chain letter. In pyramid sales, the investor buys a franchise to sell a highly touted but usually unmarketable product. His chance for big money lies in his ability to sell not the product but more franchises, on which he earns a hefty commission. The few who get in early come out rich. The base of the pyramid consists of the hapless many who wind up with franchises and products they can't sell. The most flamboyant pyramid salesman, Glenn W. Turner of "Dare To Be Great" fame, is currently on trial in Florida on fraud charges.

Pyramid franchise sales, stock frauds and land-development schemes cheat investors who at least know they're risking their money. Many white-collar crimes, however, are committed by companies that swindle oblivious consumers and taxpayers. In the great electrical equipment price-fixing scandal of the early Sixties, executives of different companies met secretly before submitting their supposedly competitive contract bids to buyers of their machines. The collusion cost consumers an estimated billion dollars. Even in this case, where the proof of willful transgression was watertight, none of the convicted executives spent more than 30 days in jail.

Much of the electrical equipment was purchased by public agencies. That time the government officials were hoodwinked; but, as Vice-President Agnew's downfall dramatically illustrated, the cross-fertilization of government and business produces acres and acres of corruption. Much of this corruption, like much of white-collar crime, occurs on a small scale in small towns. The officials of one Pennsylvania town awarded a cable television franchise to a company that had paid them $15,000 in bribes. One administrator was convicted and sentenced to three years. Two others, including the mayor, pleaded guilty and received suspended sentences.

The only limits to fraud are the limits to man's ingenuity. Avarice is apparently limitless. One of the more unlikely recent frauds involved frog's legs. The rural canals of India are teeming with frogs, and many of their legs find their way to this country. Unfortunately, the canals are also teeming with salmonella bacteria, a cause of food poisoning. Two years ago, the Food and Drug Administration cracked down, and the Customs rejection for frog's legs skyrocketed from 5 percent to 90 percent. Predictably, the policy created minor havoc in some culinary circles. But the frog's legs embargo had another, more surprising impact. Customs officials began to notice a year or so ago that many of the crates they had turned away were coming back for a surefire second rejection. Odd. Like so many odd occurrences, this one had a simple explanation: fraud. Since the frog's legs were insured against rejection, the shippers collected regardless of the FDA and Customs verdict. And since they were collecting once, why not collect two or three times? An insurance lawyer speculated that the fraud amounted to $10 million. The mammoth insurance companies make up their losses by raising their rates, and the costs are eventually paid by millions of people who will never taste a frog's leg.

There are other economic crimes whose costs cannot be measured in dollars. In 1970, a gas pipe exploded in a New York restaurant, killing 11 people. The pipe had been installed by an unlicensed plumbing firm. Two years earlier, in Richmond, Indiana, another leaky pipeline, which had earlier been identified as defective, blew up and killed 41. Since no federal or state law applied to the disaster, the Indiana Public Service Commission decided against a formal investigation. Last year a wealthy drug manufacturer admitted diluting a chemical that induces vomiting in poisoning victims. He was fined $10,000 and sentenced to one year's probation. In each case, criminals had recklessly endangered lives. In each case, they escaped serious punishment.

Over the last decade, white-collar crime in America has risen by 313 percent

Just as hard to measure in terms of dollars are the jobs lost through white-collar crimes. Take the case of the Surety Bank and Trust Company in Wakesfield, Mass. Its president, Daniel Moore, not satisfied with his $40,000 salary, decided to augment his income by embezzling his own bank out of $8 million. When the theft was discovered in December 1972, the bank closed. The bank's depositors were compensated by the federal government, but the bank's 20 full-time workers were not so lucky: They were out of work, without warning and without anywhere to turn for help.

The cost of a ruined environment, like the price of lost lives and lost jobs, is difficult to quantify. But it's safe to assume that the damage has been ridiculously undervalued. A Long Island man was fined $500 last year after he admitted filling in a protected wetlands area to build a boat repair yard. American Cyanamid Company paid a fine of $1,000 for discharging chemical wastes into a Hudson River tributary. The city of Peekskill, N.Y., was fined $2,000 for dumping landfill illegally along the edge of Peekskill Bay. The penalties are a nuisance but hardly a deterrent.

At first it may seem natural that we overlook crime in the offices and focus instead on the more sensational streets. But this attitude is hardly universal. Most socialist countries, and especially the Soviet Union, inflict draconian punishments on white-collar criminals. Two Soviet businessmen who used stolen state goods to set up an underground lipstick factory were executed, and ten other Russians who parlayed a mental asylum and 460 tons of stolen wool into a fashionable sweater mill also received the death penalty. Last May a Soviet furniture manufacturer was sentenced to death for accepting bribes from a Western businessman. The payoffs, some only promised and not delivered, amounted to half a million dollars—small potatoes by American standards.

The difference in attitude is even more striking when we look at small primitive societies, in which a social sense develops naturally without imposition by a centralized state. Among the Zapetec Indians in southern Mexico, murder—a crime that usually involves only two quarreling individuals—evokes far less horror than the monstrous crime of polluting the river. Anthropologist Laura Nader at the University of California at Berkeley says that the preliterate societies she has studied lack white-collar criminals as well as white collars. About five years ago, she noted, floods ruined the Zapetec harvest and the Indians were forced to import corn. A wealthy villager brought in three truckloads. After he sold the first load at exorbitant prices, the mayor went out and met the next two trucks. He took them over with the approval of the community, and there was nothing the middleman could do. "American society is bizarre," Nader says, "in that it reserves its harshest punishment for crimes against individuals."

Recently, government agencies have begun to show more interest in

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white-collar crime. The proposed criminal code being thrashed out in the Senate would hold corporations or executives responsible for a list of new offenses. Attorney General Edward H. Levi is considering a recommendation by Ralph Nader and four congressmen to establish a division on corporate crime within the Justice Department. But these future possibilities are the only bright spots in a dismal picture. The Justice Department still devotes only 15 percent of its resources to eradicating white-collar crime, and prosecuting economic crimes is usually a long and expensive business. Preparing the case against Jack Clark, for example, took federal attorneys 18 months. A Florida state official investigating a land fraud that cheated investors of up to a billion dollars asked last May for an "emergency appropriation" of $250,000 because "the crooks are much better funded than the investigators." The shortness of money, the shortness of sentences, the shortness of attention spans—all signs suggest that in America, white-collar crime prevention gets short shrift.

If not for the lucky accident and the honest employee, most white-collar crimes would never be discovered. Roswell Steffen, an $11,000-a-year bank clerk, might still be betting $30,000 a day if police hadn't raided his bookie, checked the records and wondered where that money was coming from. For three years, Steffen pocketed cash deposits and, using the bank's computer, corrected each balance with funds drawn from dormant accounts. Like other computer crooks, Steffen benefited from the anonymity of modern technology. Computer records are difficult to audit, and to alter them you don't even need an eraser. One stylish young thief plugged his way into the Pacific Telephone and Telegraph computer and in two years stole close to a million dollars' worth of equipment. He was caught only because a disgruntled accomplice turned him in. After serving 40 days in jail, he went into business as a successful computer security adviser.

The Equity Funding Corporation would have had a much harder time fooling auditors if it had had to show them account books. Instead, it gave them computer tapes listing bogus insurance policies, policies made out to names drawn from the Chicago telephone book. A suspicious employee notified the authorities. If he hadn't, Equity Funding might still be flying high on Wall Street. Such whistleblowers deserve government protection because, at least on Wall Street, they are an endangered species. After two stockbrokers of the defunct K&M Securities Corp. were convicted of stealing $1 million in securities, the assistant state attorney general of New York, Sanford Pomerantz, had harsh words for two established brokerage firms. A Los Angeles company had fired Michael Claro, a former K&M clerk not involved in the theft, a few days after he testified at the trial. The other firm, whose securities had been stolen, "appeared to take the position that there had been an insurance settlement and that they had not sustained any loss," Pomerantz said, even though about $357,000 in securities was never recovered. "How can we prosecute white-collar crime if we cannot assure a prospective witness that his job is safe?"

After the bank president's $8 million embezzlement was exposed, the bank closed and 20 employees lost their jobs

the prosecutor asked. "It appears that the Wall Street community is not anxious to get rid of its sharpies and thieves."

The way of life on Wall Street is far from straight and narrow. The smell of money hangs in the air, and the law encourages fraud. International banking secrecy laws, like Perseus' wallet, allow the criminal to act invisibly. The "holder in due course" defense permits securities buyers to ignore the provenance of their purchases; as long as they bought the notes in good faith, they're safe. The annual outside audit, required by law, can be circumvented through the use of diffuse computer records and the hiring of a different accounting firm for each company subsidiary. Insider trading—buying or selling shares on the basis of inside dope from the boardroom—is illegal, but the law has no teeth in it: No violator has ever been sent to prison. The Securities and Exchange Commission, the woefully understaffed federal regulatory agency, rules its wards like a cautious college president. A stockbroker who breaks a regulation is liable to be reprimanded or perhaps suspended for 90 days. He must do something heinous to be exposed to criminal prosecution. One quaint bit of legal machinery, used by the SEC and other federal regulatory agencies, is the consent decree. The consent decree bears a surreal tinge of Freudian dream-logic. A company that signs one makes no admission of past guilt but agrees not to do it again in the future.

There is something similarly perverse in the legal attitude toward accountants. Until recently, no member of a large CPA firm was ever sentenced to prison for his work, even though virtually every fraud has its accountant who, wittingly or unwittingly, overlooked it. The problem, of course, is in the "witting": How do you prove that an accountant deliberately concealed facts and was not himself duped? Last November a government prosecutor proved just that to a New York jury. Two members of the nation's largest accounting firm, Peat, Marwick, Mitchell & Co., were convicted of fraud for their role in puffing up the proxy statement of the National Student Marketing Corp. One man was fined the maximum $10,000 and sentenced to a one-year prison term with all but 60 days suspended. The other received a $2,500 fine and a one-year term suspended to ten days. Not enormous penalties but, like a snow flurry in the Amazon, enough to attract a great deal of attention. Further indication that the climate may be changing came last May with the conviction in Los Angeles of three independent auditors of Equity Funding. After the trial, one juror told a reporter that although "there wasn't any direct evidence that they were involved" in fraud, the jurors felt that the defendants had signed unverifiable statements. Judging the actions of esoteric specialists, the jury had decided that negligence was tantamount to complicity.

That sort of aggressive attitude is required to pierce the shield of self-righteousness and professional detail that has protected white-collar criminals for years. After the Peat, Marwick convictions, a senior partner in the firm expressed "shock" and said he believed "the jury didn't understand the complicated accounting and disclosure questions in the case." More than a decade earlier, after the electrical equipment price-fixing affair, a G.E. vice-president had quit his job "madder than hell" when he learned the company wouldn't pay his salary for the month he spent in jail. The $135,000-a-year executive never considered himself a criminal. After sentencing, he expressed appreciation for "the letters and calls from people all over the country, the community, the shops, and the offices, expressing confidence and support."

People in the community, the shops and the offices still don't realize that white-collar crime is a critical prob-

lem. Even the experts in the universities look the other way. Harvard professor James Q. Wilson, who slurs over economic offenses in his recent book on crime, explains the omission of corporate thievery this way: "Unlike predatory street crime," he writes, white-collar crime doesn't make "difficult or impossible the maintenance of basic human communities." But the sort of community Wilson is talking about is hardly a community at all. It's simply a grid of streets that an individual can negotiate safely on his way to and from work and the supermarket. Are street thugs and stock manipulators separate problems? Or are they adaptations of the same blight to different environments? The Harris poll indicates that the population segment with confidence in business has dropped from 55 to 15 percent over the last decade. That old cynic, George Bernard Shaw, would find lots of support today for his observation: "We may take it then that the thief who is in prison is not necessarily more dishonest than his fellows at large. . . . He snatches a loaf from the baker's counter and is promptly run into gaol. Another man snatches a loaf from the tables of hundreds of widows and orphans and simple credulous souls who do not know the ways of company promoters; and, likely as not, he is run into Parliament."

Few people want to see white-collar crooks in Congress. But should they go to jail? With the air filled with cries for prison reform, many liberals are torn: They find the class bias in sentencing repugnant, yet they feel queasy about demanding that anyone short of Jack the Ripper be locked up. "We are really stuck between two modes of irrationality," muses Allen Dershowitz, professor of law at Harvard. "On the one hand, it makes no sense at all to imprison white-collar criminals, because they don't need walls around them. On the other hand, it's unthinkable to let them go free and simply subject them to fines as a license fee for criminality. Fines are not a stigmatizing event in our society." Dershowitz thinks that more imaginative punishments are needed. "Various methods which we might come up with are deemed uncivilized, although personally, I don't know whether I would regard it as more or less uncivilized to whip somebody or to confine them in prison."

For starters, Dershowitz suggests, steep fines should be proportional to a person's income. He mentions John Ehrlichman's request to work with the Southwest Indians as the right sort of punishment—one that would strip the white-collar criminal of his affluent trappings. But he concludes: "Under existing alternatives, it's essential that white-collar criminals go to jail." True, imprisoning economic offenders is "a symbolic punishment." But then—"It's precisely the absurdity of it that serves as the form of punishment."

If the deterrent theory of punishment has any validity at all, it should apply best to white-collar criminals, who are usually motivated by greed rather than by need or passion. Nathan Lewin, the lawyer for recently indicted nursing-home owner Bernard Bergman, says that his personal experience with clients indicates that a jail sentence is a powerful deterrent for the affluent offender. Sociologist Edwin Schur agrees, noting that white-collar criminals, usually intelligent and well-educated, are best equipped to assess rationally the possible legal consequences of their crimes.

In the end, though, it all comes down to the judge. The judge has some idea of what the prisons are like. He's not dealing with sociological generalities, he's sentencing an individual. Is it really necessary to send this fellow to *jail*?

To the judge on his smooth oak bench, the stock manipulator is a fellow

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country club member and martini drinker who has been a bit too ruthless in his efforts to cop Boardwalk and Park Place, sweep around the board and pick up another few hundred dollars. Perhaps he should be fined. Perhaps he should go to jail and miss a couple of turns. But, unlike the mugger or burglar from the ghetto, he is not an outsider who needs rehabilitation. The white-collar criminal has broken the rules, but at least he's playing the game. He's part of the community.

The vista looks quite different from the streets of Harlem. In the ghetto there are no computer terminals hooked up to a fast million. There are no investors to bilk, no expense accounts to fudge, no big taxes to evade. Instead, there are old ladies carrying shopping bags. The work is harder, the returns smaller, the risks greater—but mugging and burglary are the most lucrative careers available. And isn't making money what it's all about? The American Bar Association recently decided that all law students should take a class in ethics, and this year about 50 business schools are offering similar courses. But morality is not mathematics: It isn't learned in the classroom. You learn it from your parents or you pick it up on the street. How does a sense of moral community develop when everyone and his mother knows that the rich thief lives in a penthouse while the poor thief lives in the pen? If the Justice Department still believes in this country, it might try showing us that there really is a difference between capitalism and theft. ●

Plugged for a quarter

A sympathic judge sentences a businessman to four months in jail for stealing ten million dollars. A quick-triggered cop condemns a Boston youth to life in a wheelchair for jumping over a subway turnstile

By Craig Waters

Gary Evans had spent most of the day at the Quincy Oil Co. terminal, where he worked as a maintenance man. It was a miserable job during the winter, when cold winds whipped in off the bay, but a pleasant one come spring and summer; then, during the lunch hour or whenever work was slow, Evans and a few of his friends would slip off for a swim. The job didn't pay much—$110 per week—but it paid enough to underwrite Evans' few pleasures.

Evans had grown up in Quincy and Weymouth, two small blue-collar suburbs on Boston's South Shore. He had attended Boston University for a semester, but had dropped out. Since then, he had held a few jobs and lived in a few places; but now he was home again. After a day of replacing old pipes and painting oil tanks, he would head for his parents' house. In his spare time, he wrote poetry, played the guitar, attended Fleetwood Mac concerts and downed a few beers with his friends. On the evening of May 10, 1974, he decided on the latter.

He took the bus to the Quincy Square station, a huge, concrete barn of a building that doubles as a parking garage, and rode the MBTA into Boston. There, he spent an hour at one bar—downing a few steins, playing a few games of electronic tennis—then stopped off at a lounge that boasted "Live! Girls! Dancing!" and $1.50 beers. Evans watched, and sipped two slowly.

By the time his train pulled in at the Quincy Square station, his bladder was about to burst. As the escalator lifted him from the platform to the station's lobby, Evans patted down his pants searching for change. He had paid a quarter to get into the subway; he needed another quarter to get out. But he didn't find one. He shuffled across the lobby uncertainly, checking all of his pockets, and again came up empty-handed. By the time he reached the turnstiles, there was no time left to lose: Evans planted one hand on either side of the turnstile and vaulted over the metal bar. He landed running—he was afraid that someone might stop him, and afraid that he might not make it to a urinal.

Through the doors, up 12 steps, a sharp left, nine steps more, and he was loping, home-free, along Upland Road. He ran, full-tilt, past the homes and apartment houses, slowed as he approached the small park at the bottom of the hill and down-shifted into a stroll when he reached Peter's Lounge. He went into the bar, used the restroom and returned to the street.

As he waited for an opportunity to cross Upland Road, someone spoke to him. "Stop! Hold it there."

Turning, Evans saw a Quincy policeman, Ptl. Ronald Heggblod, standing a few feet away. In his right hand, Heggblod held a long black flashlight that doubled as a club.

"What's the matter—what's the problem, officer?" Evans asked.

The officer's answer was to grab Evans by the back of the neck and to twist his left arm into a painful hammerlock.

"Am I under arrest? What's the charge?" Evans protested.

"Don't worry about the charge—I'll take care of that," Heggblod told him.

Heggblod steered Evans across Upland Road, and guided him up the hill toward the MBTA station. At first, Evans was annoyed and he baited the officer—"Is this your bust of the week?"—but when he realized how serious Heggblod was, he became conciliatory: "Calm down—I'm going with you. Let's not have a hassle." As they walked up the street, Evans glanced out across the MBTA tracks. On the other side, he could see the dark shape of the South Shore National Bank Building—at 10 stories the tallest building in town—and the gold cupola of the United First Parish Church: John Adams and John Quincy Adams were interred in the church's crypt.

It was about 11:30, a pleasant spring evening, and Quincy, "The City of Presidents," was asleep.

Evans began to sing and hum to himself.

On the third level of the MBTA garage, a young couple who had just returned from a John Denver concert heard Evans. Curious about the source of the music, Steven Brundige, 24, and Donna Turner, 19, walked to the edge of the garage and looked down into the street. Beneath the bright street lamps, they saw Heggblod and Evans. They watched as the two men approached the entrance, and saw the patrolman give Evans a shove. "Get your ass down the stairs," they heard Heggblod say. The

two men went down the first steps, turned right to descend a second set and disappeared from view.

And something happened then.

The officer claims that Evans attacked him. Evans claims that Heggblod shoved him a second time and, when he fell forward against a wall, began to beat him on the back and shoulders: Evans turned around and pushed Heggblod away; both men tumbled to the ground.

The two men rolled back into view: Brundige and Turner watched as they wrestled with each other on the landing below. Finally, Evans ripped the club from Heggblod's hand and attempted to get away; but Heggblod held onto his legs. Evans begged the officer; "Let go! Just let me get out of here!" then told him, "Let me go, or else I'll have to hit you." Brundige and his date heard the warning, and saw Evans strike Heggblod on the back of the neck. The patrolman let go and Evans took off up the stairs, dropping the club as he went.

Brundige watched, hypnotized, as Heggblod rose to his feet, unsnapped his holster, pulled out his .38 Smith & Wesson police revolver and held the weapon, in both hands, before him.

Evans heard an incredible explosion.

"The bullet. . . entered the plaintiff's back below the angle of the left scapula at the posterior left chest wall, passed into his left lung, traversed the medrastrum and lodged in his right lung in flattened mushroom headed form. The bullet scattered fragments throughout the lungs causing substantial bleeding and continual vomiting of blood. The bullet further created such concussion and expenditure of force that without touching the aorta or spine, but bypassing both, the bullet caused blood vessels between the spinal nerves and the aorta to rupture thereby starving and killing the spinal nerves. The spinal nerves died off over a period of some five hours following the shooting. At the end of this period the. . . plaintiff was paralyzed for life."

At first, Evans didn't associate the sound with himself, but then he felt the numbness—he felt a thick Novacaine numbness spreading through him like fear. He turned, and saw Heggblod standing—perhaps 15 feet away—with the gun in his hand.

Before collapsing, unconscious, to the sidewalk, Evans whispered, as much to himself as to Heggblod, "Why the fuck d'ya do that for?"

Brundige watched the patrolman shuffle up the steps, saw him cock his revolver and point it at Evans again. "If you shoot that kid once more," Brundige shouted, "you'll have to turn around and use it on me!" Heggblod lowered the weapon, but then, after a moment, raised it again. "You've already shot him once; don't shoot him again!" Brundige bellowed.

The officer dropped to one knee and lifted a hand to his forehead—he was bleeding from two small cuts.

Police cruisers began to pull up, and, when an ambulance arrived, a policeman told the driver, "Take the cop and leave the kid."

Gary Evans spent the next 20 days at Quincy City Hospital; on May 17, his name was removed from the danger list, and nine days later, on the 26th, he celebrated his 23rd birthday. In June, he was transferred to the Massachusetts Rehabilitation Hospital, where he spent ten months learning how to dress and bathe, and where he became adept at maneuvering a wheelchair.

Gary Evans was, and is, and always shall be, completely paralyzed from the chest down. Ronald Heggblod remains on active duty, and was not reprimanded or censured in any way. Evans was charged with being a disorderly person (the charge was later dropped) and with assault on a police officer—a felony. Heggblod was charged, by Evans, with assault and battery with a dangerous weapon, and with assault with intent to kill. In addition, Evans and the Civil Liberties Union of Massachusetts have filed a $10 million suit against Heggblod and against the mayor, the chief of police and the city of Quincy, charging that the police department's use of soft-nosed (dumdum) bullets is unconstitutional in that it represents "cruel and unusual punishment."

On April 11, 1975, the first of the various court cases was concluded. After having listened to the testimony of Evans, Brundige, Turner and several expert witnesses, and after having considered that testimony "in a light most favorable" to Evans, Quincy District Court Judge Joseph Nolan found that there was no "probable cause" for trying Heggblod; the criminal charges against him were dropped.

The officer, a short, stocky man with thinning brown hair, smiled broadly at the verdict. A large contingent of policemen in the courtroom began to applaud. When court adjourned, they came up to Heggblod, shook his hand and slapped him on the back. Heggblod thanked them, laughed, then walked out with his wife.

The courtroom emptied quickly. Evans was the last to leave.

He wheeled his wheelchair across the second-floor lobby of the courthouse and stopped in front of the men's room. He waited for five minutes before someone happened by and opened the door. Evans rolled into the rest room and maneuvered his wheelchair tight to the urinal. He rolled up his pants leg, and unplugged the tube that projected from the plastic bag strapped to his leg. A stream of bright yellow urine splattered against the white porcelain.

Evans squeezed the bag empty and plugged up the tube. And waited for the door to open again. ●

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A cop shot Gary Evans after he jumped a turnstile on a mad dash to a rest room.

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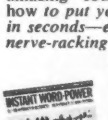

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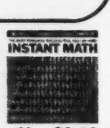

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Patty & Walter & Jack & Micki

By Michael Drosnin

Harrisburg again. Three years after the Berrigan affair, the government has come back to town with the makings of another political trial. Last time around it was the bizarre prosecution of priests, nuns and a Pakistani scholar accused of plotting to kidnap Henry Kissinger and blow up Washington heating tunnels. Now it is something still more outlandish—the incredible case of kidnapped heiress turned revolutionary Patty Hearst.

A new show, but one with an oddly familiar setting, a sadly familiar cast and a frighteningly familiar theme. Harrisburg has not changed. It is the same seedy, conservative, backwater capital city it was when a reporter covering the Berrigan case wrote, "The government's choice of Harrisburg is regarded as one of the most punitive aspects of the indictment." The judge hasn't changed either. Once again, it's R. Dixon Herman, a grim 64-year-old Nixon appointee, a member of the American Legion, the Veterans of Foreign Wars and the Navy League, a Moose, a Lion and a 32nd-degree Mason. "He fills the courtroom with the odor of death," says Sister Elizabeth McAlister, a defendant three years ago now back as a spectator. Even the bailiff is a holdover. A stooped old man, he calls the court to order in a surprisingly stentorian chant that rises to a crescendo with a booming "God save the United States."

It may take divine intervention. The government obviously has learned nothing. The ill-fated Berrigan prosecution was an attempt to save face for J. Edgar Hoover, who announced his verdict before the Harrisburg 7 were even indicted. The mission of the current proceedings is also to rescue the FBI.

As the bureau's futile search for the fugitive heiress enters its twentieth humiliating month, authorities are finally preparing to take action in the Hearst case. Not against Patty. They'll have to find her first. Not against her SLA kidnappers. They were executed without trial by Los Angeles police a few months after the February 1974 abduction. The judicial proceedings are aimed instead at the only available targets, Jack and Micki Scott.

The Hearst hunt has come to Harrisburg. She isn't there, but it's a good place for a legal lynching

Authorities claim the two radical sports activists sheltered Hearst and her SLA comrades, Bill and Emily Harris, at an isolated Pennsylvania farmhouse last summer. A grand jury has been convened, ostensibly to consider those charges. But the prosecutors know it is almost impossible to get a conviction for harboring, while it is easy to jail for contempt. So the Scotts have been subpoenaed, despite repeated vows that they will remain silent even if granted immunity. No one doubts that Judge Herman will hold them in contempt; during the Berrigan case, he jailed a 52-year-old nun for her refusal to testify.

About to be locked up for what they will not do rather than for anything they may have done, the Scotts remain defiant. Asked by a Harrisburg cab driver what she'd do if she met Patty now, Micki replied without hesitation, "Give her all the money I have, drive her out of the state and keep my mouth shut." The spectacle of Patty's mother, Catherine Hearst, entering the grand jury chamber to testify against them aroused only angry disbelief. "If we're 'guilty,' we may have saved her daughter's life," says Jack. "Now she's cooperating with the hunters in full knowledge of what they did in Los Angeles." Even Judge Herman's denial of a motion to quash their subpoenas—in the face of 18 affidavits detailing a government campaign of harassment ranging from wiretaps to attempted bribery to gun-waving intimidation—failed to shake the Scotts' resolve. "Jail," says Jack, "is a good place to get some writing done."

Not bearing up so well under the pressure is the man sent from Washington to supervise the Hearst case. Brandon Alvey, a 20-year veteran of the Justice

Department's notorious Internal Security Division, turned up drunk the opening night in Harrisburg. He lurched into a local restaurant where the entire defense team was finishing a late dinner, sporting an END GRAND JURY ABUSE button, and loudly demanded of his courtroom opponents an I WON'T TALK button to go with it. Ridiculed and rebuffed, he retired to a back room to continue drinking with his companions, two reporters who said they later had to carry Alvey back to his hotel room. But the binge was not over. Around midnight Alvey was seen staggering down to the Holiday Inn bar, only to be helped back upstairs by the bartender.

The man apparently most responsible for both Alvey's discomfort and the Scotts' predicament is Jack's elder brother, Walter. Like nearly every other major political prosecution the government has launched, Harrisburg II rests almost entirely on an obviously questionable informer. What sets Walter J. Scott apart is that the FBI was using him against his own family.

It was Walter's cooperation with federal agents that set the stage for Harrisburg. Early last month, the FBI presented him to hand-picked reporters in Philadelphia. Walter told them that he had seen Patty twice last summer in the company of his brother and parents, and that they had later offered to turn her in for immunity and a $200,000 reward.

But three days before he was scheduled to repeat his story to the grand jury, Walter recanted, leaving an embarrassed prosecution without its star witness. In a New York interview with a UPI reporter, Walter said he had been drinking and taking codeine pain killers when he erroneously linked his family to Hearst under intense FBI pressure. "I was dependent upon the FBI," he said, "and motivated by a desire to say the kind of things that I thought would be what they liked to hear." The $200,000, he told UPI, was not demanded by his brother but spurned when offered as a bribe by federal agents, who also proposed paying Walter $10,000 to entrap the Scotts' attorney, William Kunstler. As for Patty, he added, "I don't have the slightest idea if she's in the world or not."

The government hurriedly withdrew Walter's subpoena, but he came to Harrisburg anyway bearing an affidavit for the defense. And in a five-hour interview with *New Times*, the 41-year-old computer systems analyst told a chilling tale of seven months of cynical manipulation by the FBI.

Walter rankles at the suggestion that he was acting as a paid informant. "I was not betraying confidences," he insists. "I was an intelligence analyst. They didn't keep me there just to tell tales; I have a 139 IQ, and they knew it. I was doing problem-solving analysis. For example, they had me go over Jack and Micki's phone records to analyze the density and frequency of calls.

Like most political prosecutions, Harrisburg II rests almost entirely on a questionable informer. What sets Walter Scott apart is that the FBI was using him against his own family

"To some degree my work with them was voluntary," he adds. "It's a hell of a thing to say that I participated because I was intrigued—like it was some fucking chess game—but that's the truth."

It all began last January in Washington, D.C. Walter will not discuss details of that initial encounter, but he denies that he knowingly put the FBI on his brother's trail. "When I first talked to them, they already had their suspicions," he insists. "They told me I was a prime suspect." But it is known that the bureau's first big break in the case—the discovery of Patty's abandoned farmhouse hideout—came at about the same time. Shortly thereafter, Jack and Micki were visited by federal agents and placed under surveillance. And Walter does concede that he became "central to the case." "In fact," he adds, "I was by far the principal non-bureau person involved."

From January until he broke away in mid-August, Walter says he was in "almost constant contact" with about 15 FBI men. His primary control was special agent David Rack of the bureau's Philadelphia office. "Rack," he says, "was almost living with me a good deal of the time. They moved me from one hotel to another and held me incommunicado. I felt I couldn't leave Philadelphia if they didn't want me to." Walter was paid a "subsistence allowance" of $15 a day, and at various times offered other financial inducements, including a $21,000-a-year FBI salary and a $50,000 reward if Patty Hearst was found on the basis of information he provided. These sums he says he refused "out of reasons of principle."

Walter Scott is a brilliant but troubled man, and the FBI not only cleverly flattered his ego but also ruthlessly exploited his weaknesses. The bureau knew that he had been periodically confined in mental institutions. "I told them that I've been hospitalized three times, once while I was still in the Marines, and twice more in the past two years. The commitments were voluntary—I was extremely depressed."

And the FBI also knew that Walter has a drinking problem (although he denies he is an alcoholic). "Those times when I was inclined to drink too much, the FBI ensured that I was able to, and then pumped me for information," he recalls. "They paid me $15 a day, and the only time I got more money was when I was drinking. They exploited the fact that I drank too much, and tried to elicit information from me that I would not reveal under normal circumstances."

There were other pressures as well. "They tried to make sure I was totally financially dependent on them," says Walter, who was unemployed when he went to work as an informer. "They dominated my time to the extent that it precluded me from finding other employment, and then when I wouldn't cooperate with them, threatened to cut off my support.

"There were also threats to jeopardize the government security clearance I needed to work as a computer specialist," he continues. "And they implied they had information about certain existing legal problems I had—some difficulties in North Africa and something about a fraudulently altered driving license in Nevada—which could be pursued further. They also told me if I stopped helping them, promises about anonymity might not be fulfilled and they couldn't protect me from the SLA and other radicals."

After his initial FBI contact, Walter says he "never felt free to end the relationship." "I was under their control and completely dependent on them."

But there were certain things Walter would not do. "In early February, they asked me to wear a 'wire'—a hidden recording device—into my own parents' house. They told me they wanted incriminating evidence, not necessarily something related to the Hearst case, but anything that would make them vulnerable, something the FBI could use as leverage with my parents.

"The cover stories, the cover documents, the backup support were all arranged," he continues. "But I called it off

just two hours before my flight to Las Vegas. I just couldn't go through with it.

"Right after that, I told them [the FBI] I was so depressed, I'd have to check into a VA hospital. I was willing to take the most extreme measures possible—even suicide—to escape their control and end the relationship that continued to imperil members of my family." Agents talked Walter out of committing himself, and instead sent him to Atlantic City for a rest. "They said I could spend a few days there alone, but even then they made me continue to work for them," he complains. "I got seven or eight phone calls, and then after a day and a half they insisted I come back to work."

It was not the first time Walter had tried to cut himself off from the FBI. Just one week after he began working for the bureau, he called Philadelphia headquarters late at night from a Chinese restaurant and "told them to go to hell." "Within minutes," he continues, "three agents arrived at the restaurant with sirens blaring and took me back to their office five blocks away. There were four guys there in a dark room, standing around with their guns and pounding on desks and cursing. They told me that if I stopped providing information they would have to involve other members of my family. They used the fact that I had been drinking quite a bit to coerce me into changing my mind."

But after ten weeks of keeping him under tight rein, the FBI suddenly let Walter go abroad in early March. Indeed, Walter suggests that special agent Rack helped arrange the trip. It is probably no coincidence that one week later the long-suppressed story of Patty's farmhouse hideout made the headlines, for the first time publicly linking the Scotts to the SLA fugitives.

"They may well have not wanted me around when the whole thing broke," says Walter. "They weren't frankly sure of my mental state, and were probably afraid I'd do something like I finally did—denounce them for bothering my family because they couldn't find the people they were looking for."

Even while abroad, Walter kept in touch with the FBI "by mail and by code from the U.S. consulate in Shiraz, Iran." He declined to discuss his mysterious sojourn in the Mideast, nor would he explain why he next went to Southeast Asia just before the communist takeover in Cambodia, only offering vague hints of "secret overseas activity."

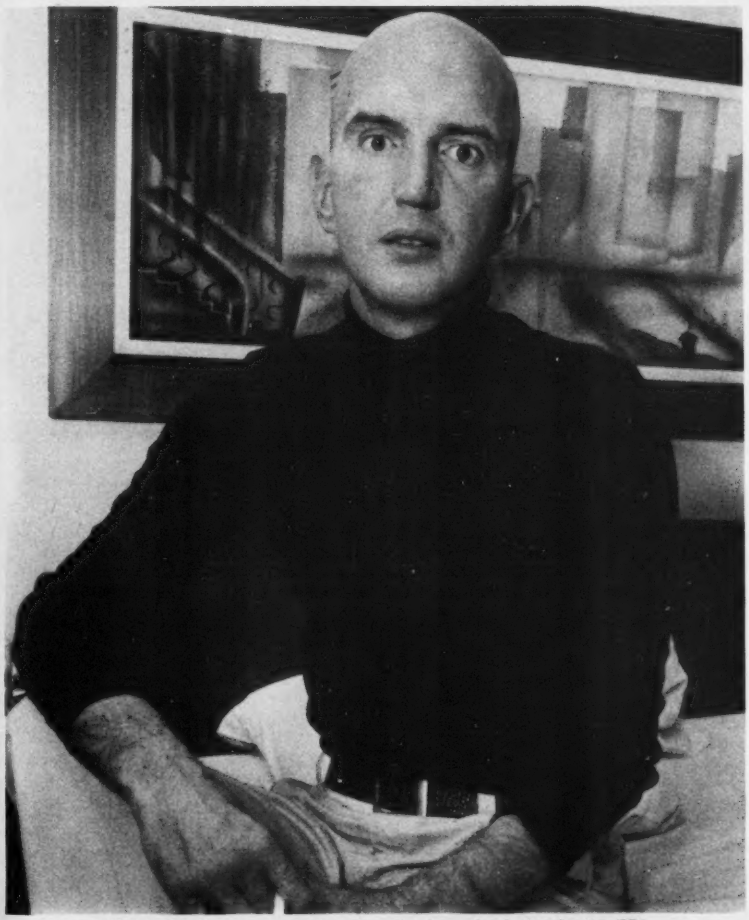
Upon his return to this country in late June, Walter took on another secret mission—passing FBI bribe offers to his family. "The reason the grand jury activity was resumed," he says, "was because their efforts to buy cooperation were rejected." Increasingly disenchanted with the bureau—"I was not only disgusted with their methods, but convinced their effectiveness didn't merit the degree of cooperation I was giving them"—Walter met with his brother Jack in New York in early August. Prepared to end his role as an informant, he was once again dissuaded in a telephone conversation with agent Rack.

"As soon as I left Jack, the FBI picked me up," recounts Walter. "They put me in a New York hotel under continuous surveillance by two pairs of agents working in shifts, and a day later brought me back to Philadelphia where they kept me in 'protective custody' f.. ten more days." It was during that period that the FBI publicly presented its chief informant, ailing and intoxicated, for the first time.

"I knew I had been used in that FBI press conference," says Walter. "It was that, and their coercive techniques—the frustrated, frantic efforts to flail out and do anything to get Patty—that finally precipitated the break." Two days later, Walter went alone to Camden, N. J. "Rack followed me there," he recalls. "And in front of the hotel, he threatened me. He told me if I wouldn't accept his 'advice'—he meant control—they couldn't protect me any longer."

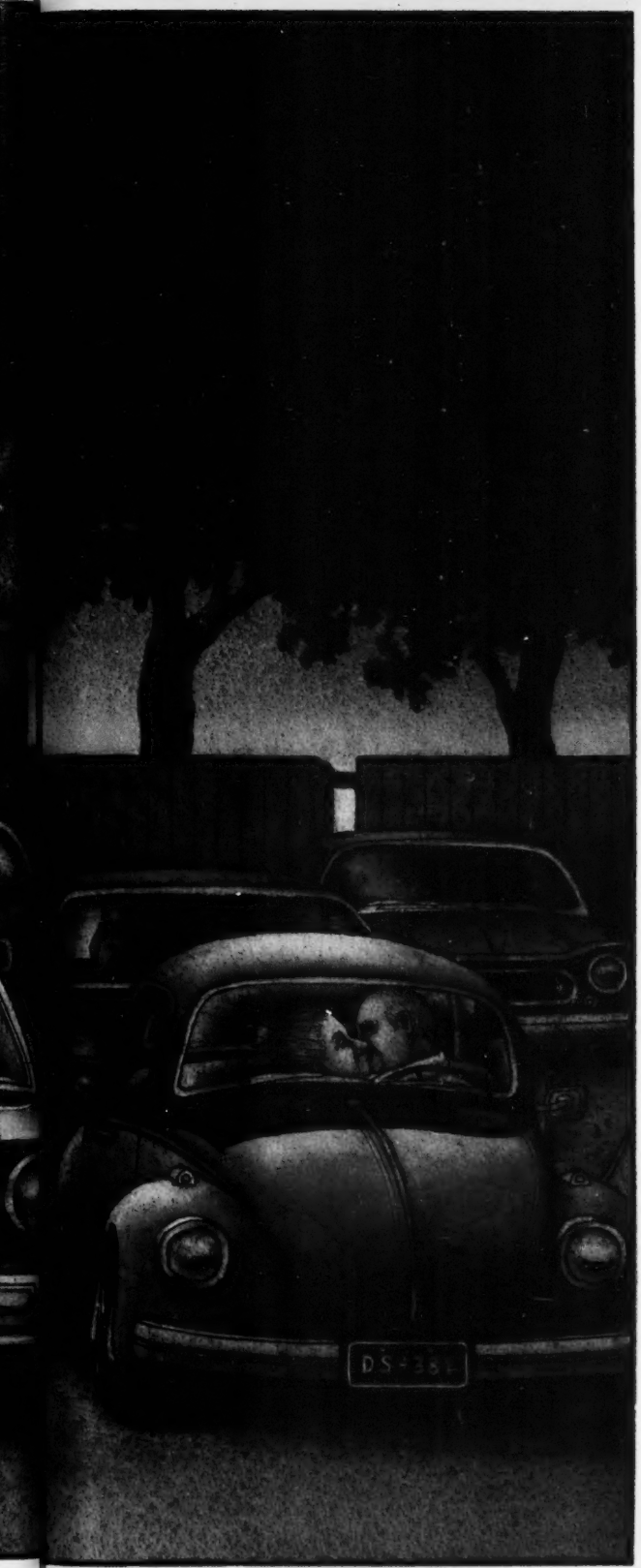
Walter's free now, "unprotected" perhaps, but apparently safe from the only band of terrorists that really meant him harm—the FBI. Jack and Micki's fate is less certain. Even without his star witness, a presumably sobered Brandon Alvey seems intent on putting them in jail. Nobody—not even government prosecutors—comes to Harrisburg just for the hell of it.

Facing imprisonment for their promised "non-collaboration," the Scotts' best hope probably lies in the fact that R. Dixon Herman is the most reversed judge in his circuit. Before it's all over, there's a good chance the defendants will go free and the government will find itself in the dock. It's happened before—in Harrisburg. ●



Walter Scott: seven months of cynical manipulation by the FBI.

ILLUSTRATIONS BY RICHARD EGIELSKI



Trapped by fixed incomes and lonely rooms, the country's 22 million old people are beginning to rebel. Increasingly, elderly couples are pooling retirement benefits and living together without marriage

SEX AND THE SINGLE GRANDPARENT

By Judith Wax

"Lonely widow, 72, wishes to correspond with older man, preferably liberal." Near the first anniversary of her husband's death—she'd been married for 43 years—Lila Hascomb (all names have been changed) put her ad in the *New Republic* personal column. Less modest, she might have added: "Still good-looking, laughs easily, could model dentures on TV." When her husband expired before his *New Republic* subscription did, Mrs. Hascomb found the magazine too weighty a companion for lonely Sioux City nights, she confesses. "But I thought the kind of man who might *see* my ad there could prove interesting. And he did!" Other women have found Max Kornblum—a small, aged Philip Roth with a Myron Cohen delivery—

interesting, too, in the span of his 86 years. They included his late wife, to whom he was married for 35 years, and two short-term brides (both divorced). Time has trifled with Kornblum's hearing and prostate, but not his young ideas. Mrs. Hascomb's ad led to a three-month exchange of soul-baring letters. ("He quoted the Bible to tell me he didn't have marriage in mind; I answered with a nursery rhyme that goes, 'Nobody *asked* you sir, she said.' ") Chicagoan Kornblum made a reconnaissance flight to Sioux City to meet his pen pal and says, "Our decision to live together was thereby cemented." A week later—nearly two months ago—they sublet a Chicago apartment.

"This is a trial period." Fond of rhetorical flourish, Kornblum speaks carefully. "The *goal* is to find an oasis of happiness." So, like the burgeoning new breed of well-seasoned citizens, courtly Mr. Kornblum and stately Mrs. Hascomb are shacking up in their twilight years.

Are we witnessing—in such out-of-wedlock, out-of-the-closet combines as Hascomb/Kornblum (a conservatively estimated 18,000 couples over 65, according to the U.S. Census Bureau)—the arrival of the last stragglers in the sexual revolution? Does "the best is yet to be" bode geriatric swinging? Will Whistler's Mother turn Weinstein's Mistress? The answers, it seems, are less frequently Hugh Hefner's department than Health, Education and Welfare's. Half the income of those over 65 comes from pensions, mostly Social Security, and if a widow who has been dependent on her late husband's benefits remarries, she either forfeits 50 percent of that income or all of it if she applies for new payments as a married woman. Pooled individual benefits, however, are higher than those allowed to a couple; since a quarter of the nation's elderly lives below federal poverty guidelines (and many more survive only marginally), such luxuries as marriage certificates are being sacrificed to the economic realities of shelter, food and health care. Loss of any income, however small, can threaten love *and* existence.

There are more than 22 million Americans past 65—10 percent of the population today, and a projected 25 percent by the middle of the next century. There will be more of those Mr. Kornblum calls "*senior* senior citizens," too, though he decries the life-extending efforts of gerontologists. "They want to increase the longevity of old people," he snorts angrily, "but to what *purpose* if someone lives to an exalted age—like me—and has no place to live."

When Kornblum's sublease expires in a few months, he faces the housing crisis that threatens many post-65ers and his modest budget. The 1971 White House Conference on Aging concluded that 120,000 new housing units for the elderly would be needed each succeeding year; in the last eight, only 45,000 units were constructed. Last June, the General Accounting Office reported that the Department of Housing and Urban Development had illegally impounded $214.5 million in housing funds for the elderly.

Despite such problems, says Kornblum, "My ultimate interest in the pursuit of happiness includes a companionship that is definitely to the interest of both male and female; we have a desire to live a better life than either one of us could accomplish living alone. *Everyone* yearns for wholesome and sincere companionship!"

Companionship is the word older unmarrieds use most often to describe the core of their coupling. It means everything from dependable dinner/movie/walk-around-the-block company, to fondling and hugging, to nightly "we-try-all-positions" rapturous unions. For many, what is most missed of a dead spouse is reliable "thereness"—even, it would seem, abrasive omnipresence. Touching and embracing can have warm associations with courtships long past. And, like early New Englanders, oldsters who find sustenance in variations of "just holding each other" are not far from young campus couples who describe the same sort of comforting, but noncoital bedsharing for months before actual intercourse.

"Loneliness is the worst disease there is; you can't catch anything more horrible"

Kornblum/Hascomb line up with the fondler/holders. Is there satisfaction in that? "Well, there *has* to be," says 86-year-old Kornblum, "because that's all there *is*. I'm in good physical condition, so I can really give out with the love and affection; it exists in there by the *tons*, just waiting for an outlet. Now any person who isn't ready for that naturally will not get the full benefit of living with me. But I'd have to invent something if I wanted to call it sex."

"It's better than nothing," Mrs. Hascomb philosophizes, "though my husband and I could occasionally manage everything, if you know what I mean, into our seventies. But I was so lonely after he died, and Max *is* attentive and affectionate."

"I'm not defending myself on the sex business," says Kornblum, pulling up one errant white sock. "Twenty-five years ago, I encountered prostate surgery, which can slow a male up. If I didn't have *that* difficulty, I'd be a ten-day wonder. . . because I could *impregnate*, even at this age. And I *can* say, without fear of contradiction," he intones sonorously, "that there are *zillions* of women who would *give their right arms* for a guy like me!"

"Oh, bullshit," trills the beloved.

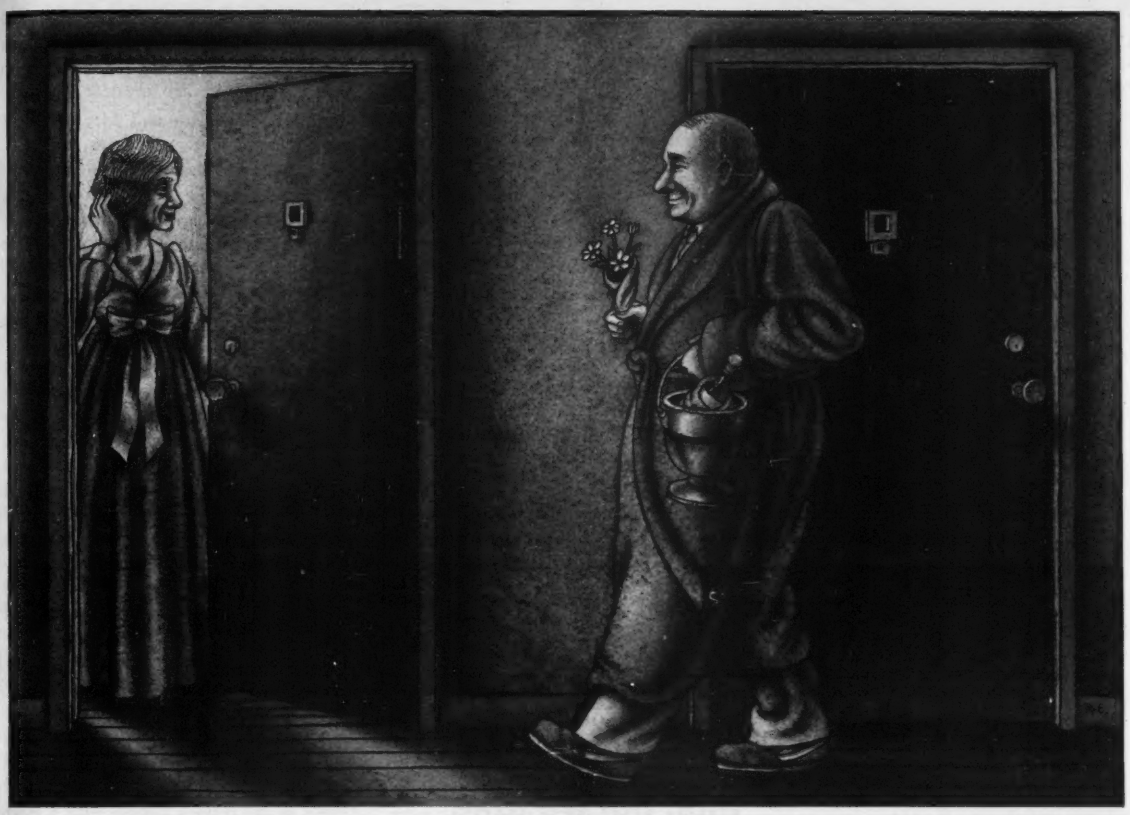
Other lovers, other stories. Arthur and Jean—he's 70, she's 65—have separate rooms in a Cleveland retirement hotel. Jean, carefully made up and trim in light blue slacks, has chronic respiratory problems that require occasional public-aid financed hospitalizations ("I tell the old gossips around here she's gone for an abortion," snorts Arthur). Widow's benefits and public aid supplement the rental for her tiny room, shared bath and hotel services and meals. "I couldn't have paid for her medication, let alone her last hospital bill," Arthur says, "and if we married—which I'd love—she'd lose too much of her benefits. My pension, including Social Security, amounts to $400 a month, so I'd be asking her to live in abject poverty. What a crazy law!"

"I hate having to sneak out of his room at dawn," says Jean, "but I don't want to appear with him in the morning and be an embarrassment to the hotel, though I don't care what anybody thinks. It *would* be nice if we could live together all the time—my grandchildren think so, too—but I'm grateful for the happiness we have, even without a piece of legal paper we can't afford."

Jean and Arthur both describe depression and hopelessness before finding each other six months ago. "I made up my mind everything was over when I came here," she says, "'and then I met Arthur and found out life is wonderful and I can be happy." Arthur takes her hand and explains, "Loneliness is the worst disease there is; you can't catch anything more horrible. And Jean cured me of it."

When Jean was 30, her serious post-childbirth illness so alarmed her husband that, fearful of making her pregnant again, he developed an impotence that lasted until his death 25 years later.

Judith Wax is a free-lance writer living in Chicago.



Unable to help him, Jean says, she was faithful for 12 years, until a kiss on the way to a party with a casual friend led—within minutes—to a motel and a series of affairs with younger, single men ("I'd never do anything to harm a marriage") which she's sure had her husband's unspoken approval. "But it was all just sex, never love. There's a big difference, and—till Arthur—I had reconciled myself to never finding anyone again who really cared for me."

"I hadn't felt any sexual desire for several years before I met Jean," he says, slipping a cushion behind her. "She created it; not by suggestiveness or actions, but because I felt important and loved. We'll be playing Scrabble and it just comes over me. . . I have to put my arms around her and kiss her. She's a *rotten* Scrabble player! You don't desire sex as often at my age as a younger person does; you conserve it until you can get fulfillment. But to be perfectly frank, I have no idea how often we—"

"You have a heck of a time going a week without it, dear," she says indulgently to his very pleased laughter.

Jean privately confides, in warm grandmotherly tones, "Arthur didn't know anything about half the things I've taught him. He was used to regular old-fashioned intercourse and—I guess his wife wouldn't have liked it—he'd never experienced oral sex or fondling in the 45 years they were married. But he got the idea fast. Well, that's all part of loving, and now he knows there's nothing dirty or obscene; if you love somebody, you love *all* of them. He tells me I'm the most beautiful woman who ever was. . . that my *body* is beautiful. I've looked in the mirror and I know that's ridiculous, but he's made me *feel* lovely, and I have the same kinds of orgasms I did when I was young."

"Sex can be a continuing activity for septuagenarians, octogenarians and even nonagenarians," says psychiatrist Dr. Eric Pfeiffer of the Center for the Study of Aging and Human Development at Duke University. Taboos related to sexual expression among the elderly stem not only from a cultural bias that equates young flesh with desirability (firm breasts merit firm erections) but, says Dr. Pfeiffer, old people remind us of our parents who from childhood we resist thinking about as sexual beings. Masters and Johnson report that "having permission" is a crucial factor in sexual functioning; desire dies when people think it *ought* to. If we get the idea it is no longer "nice" to have such needs, the body will conform to the psyche. Decreased demand for ejaculation need not, say M & J, interfere with erection *or* pleasure for the male well into his eighties; an elderly woman may be slower to lubricate—the female equivalent of erection—and lose some vaginal sensation (often treated with replacement hormones). Such physiological changes may slow, but need not and *should* not—the experts assure—end sexual function that helps healthy, aging men and women *stay* healthy.

Research, however, has shown that most older women need a *sanctioned* sexual partner. (Mrs. Hascomb fears her Sioux City friends may get wind of her "arrangement"; others report terror of gossip.) The ratio of over-65 females to males is nearly four to one; those mature women who *do* find partners but cannot afford to lose current pension income by marrying often insist—true or not—that the relationship precludes sex. The attitudes of a pre-liberation lifetime seldom permit such acknowledgment.

Widowed Mynna Sackman, for instance, admits to 67 and a four-year passion for lifelong bachelor Lester Rabin, 64. "I love *him*, darling; he is everything a woman could want! He is my whole life! I mean this with all my heart and every word I'm telling you is the truth, the same as if the good Lord would be talking to you!" But she denies, at least till second blush, sexual union. . . while

Lester proclaims daily beddings down. "She doesn't think it's nice to say, because it isn't legal," he explains. "I'd marry her in a minute—she's the first girl who ever appealed to me that way—if we could afford it without her husband's Social Security."

The "first girl who ever appealed that way" to conservatively suited, albeit sneakered, Lester Rabin festoons her eternal yellow curls with five velvet hairbows of assorted hues and sizes. The stockings end beneath her knees, the miniskirt well above that and Mynna herself at about four feet ten. One gold tooth, dead centered, like Oliver Dragon's, is the upper gum's only tenant; a nervous hand has wrought aqua eyeshadow and skittery Swansonesque brows. "I just never came across anyone I ever wanted until I saw *her*—her whole makeup, the way she keeps herself! And she can really cook, oh gosh, she can really cook out of this world! She made a potato salad, and I'm not a potato salad person but this... *this!* Amazing! And her pot roast cannot be told by experts from filet mignon!"

Because of Mynna's near deafness, and unwillingness to wear a hearing aid amid the velvet bows, she and Lester carry on contrapuntal and frequently contradictory conversations with others. "You find in all cities men and women who live together without that piece of paper," says Mynna. "*I* would not do that!" "Well, we *rent* two rooms," Lester says of their arrangements in a low-rent retirement hotel, "but we *live* in one." "I try to please him the best I can," she touches hand to breast, implores the heavens, and the Sophie Tucker tremulo convulses voice and body. "But let's talk plain; you're a married woman. THIS MAN CAN RAISE AN ERECTION JUST BY LOOKING AT ME! But for me, darling, sex is a closed book; I am not an oversexed woman." Lester is unperturbed. "We do it every night," he says. "She loves it." "I'll admit," says the unhearing Mynna, "we've *tried* it. Sex is sex; they even have it on TV. And Lester is very genteel."

"The trouble is she's jealous, terribly jealous," Rabin confides. "I can't even go to the grocery store; she thinks I'm making phone calls, dates."

"He's an oversexed man," Mynna erupts, "and I don't trust him because he can have any woman in this building. *He's* jealous, too; if he ever saw me in another man's arms, he'd murder! But I am honest; I am sincere; I am true. I was a virtuous girl, before God and man, when I got married at 17. Nobody told me a thing about sex. If *I* were explaining it to a young girl, I'd go very deep and use deep words. I would say, 'Don't go in the dark... have dinner! Have a soda! There are sex organs in a man,' I would say, 'and sex organs in a woman and the man gets aroused and wants to put his sex RIGHT IN YOUR PRIVATE! Then you can have a child and be an unmarried mother! Can he support you? Can he give you a home?'" She pauses for breath, her solitary golden tooth catching the light and Lester's admiring glance. "As for me, I've given this man four years of my honest, decent life and I'm never going to leave him. Marriage, schmarriage, darling; they'll have to kill me first!"

Lester Rabin may reveal secrets of the boudoir, but in another retirement hotel—this one elegantly resortish for those who don't feel pension's pinch—78-year-old, still-dashing Dr. Barkham gallantly protects *his* lady's reputation. Mrs. Mitchell is a fresh-faced 72, with the assurance of a woman who has always known herself to be attractive to men ("I have a large bust"). Unlike so many other older unmarrieds, financial concerns don't bar matrimony. "If I had her money," jokes Barkham, "I'd marry her. But she's independent, liberated." "I don't want to marry," she says placidly, patting the curly white hair with jeweled fingers. "I admit she's got young ideas; she's well-balanced, a college graduate... there are dentists in her family. But who would have sex with an old man like me?" he asks waggishly. "Say, she *does* have pretty legs; don't you think so?" He quickly points out that exposure to "thousands" of women patients in the course of his long medical practice has made him invulnerable to feminine charms. And he adds, for him and Mrs. Mitchell (whom he calls "this young lady") desire is only remembrance of tingles past. But his neighbors complain that Mrs. Mitchell wakes them nightly by mistaking their door for the doctor's, and—says the hotel management—Barkham ordered a larger bed when "this young lady" took a nocturnal slide off his single-bliss mattress. Whatever the exertions of the night, though, Dr. Barkham—his claims of geriatric immunity aside—is no daytime slouch. "Maybe we could all go out together sometime," he tells a 35-years-younger new acquaintance. "Do you—perhaps—tango, my dear?"

"He has a nice body and I don't know if I should say this, but we take baths together"

Dr. Barkham and Mrs. Mitchell hunger for each other, perhaps, but not—unlike so many of their contemporaries—for their daily three squares. Food market managers across the country suspect that increased dog food consumption is reflected in Grandpa's dish, not Fido's. Whatever the merits of geriatric pairing, Ken-L Ration is hardly more palatable à deux. The Ford Administration has so far failed in its attempts to raise the cost of food stamps, a move that would be discriminatory as well as catastrophic, since it hits hardest at the fixed-income old. Community feeding programs, conceived as a method for bringing the isolated elderly together for the nourishment of companionship as well as food, have been funded but—for the most part—are unimplemented, and the Administration was sued recently to force the spending of such authorized money.

Living modestly, however, hasn't subdued Celia Sampson. The only thing she bothers to hide (under a picture of Jesus) is a gag calendar featuring fat male nudes.... "I keep it there in case the nun visits." Celia is a snappy 74: a dimpled smiler in gilt-framed glasses with a body more main chance than last chance. Her lover, Jim Henning, is 60.

"Did I know him a long time before I slept with him?" she asks wide-eyed. "Oh, y-e-s-s! At *least* two weeks. God bless America!" she explodes with laughter and does a little buck-and-wing. "He said, 'Let's have sex,' and I said, 'Okay, let's go.' He told me I was the fastest undresser he ever met.

"Sex isn't as powerful a need as when you're young, but the whole feeling is there; it's as nice as it ever was. He puts his arms around you, kisses you and it comes to you—satisfaction and orgasm—just like it always did... don't let anybody tell you different. Maybe it only happens once every two weeks, but as you get older, it's such a release from the tensions. I'm an old dog who's even tried a few new tricks. Like oral sex, for instance; I figured it was time to find out what that's like. We weren't too crazy about it though.

"He has a nice body and I don't know if I should say this," she hesitates; then the smile takes over, "but we take baths together and he washes *my* body and I wash his. I know I'm getting old and my skin could use an ironing, but we love each other—so sex is beautiful."

Celia's neighbors cut her off when the affair started, she reports. "They

called me a prostitute and some of my friends stopped talking to me. Jim said, 'You're not doing anything wrong; hold your head up high!' And I told my children, accept him or not; he's the big thing in my life. And everybody *does* accept now. Why should we sleep alone and lonely? Anyway, I've got to watch him good; he might get someone else!" she laughs and pounds the table. "I like this arrangement and I'm not missing one thing in life!"

Fanny Weiss is 82 and doesn't think *she's* missing anything *without* sex, either, since she and pencil-mustached Morris A. Gotkin announced their engagement six months ago. ("I gave her a ring and party like she never saw in her life.")

"How did I fall in love with him?" the big woman in thick glasses asks incredulously. "*He* fell in love with me!" She is evasive about a wedding date—and there is some gossip in their hotel that a live Mrs. Gotkin is stashed away elsewhere despite Morris A.'s assurances that the wife to whom he awarded "the best 30 years of her life" has been dead several years.

"Let's be realistic." says Gotkin, dwarfed by baggy azure pants and his fleshy fiancée. "Sex appeal is never out of the question, but at our age I've done all I could." He has also, says the hotel management, asked to be changed from his room on the second floor to one near hers on the eighth. "I can't take the commuting," he complains, one ear perpetually hand-cupped in aid of failed audio.

"Sex is finished; you get arthritis," shrugs Fanny. "Though some are always after what they can get," she adds ominously. "But you can do kissing."

"I gave her a birthday party, very elaborate. That's a Longine I gave her that she's wearing, and I gave her a Bulova with diamonds all on the band. She's got a lot of other jewelry coming, when she makes up her mind about the wedding. It's not her money, you understand; she's got $100,000 AND I DON'T WANT ANY OF IT!"

"He *counted* it," she laughs uproariously. "Listen, about the sex, a man can't after a certain age, so who can tell if a woman *could?*"

(Says her fragile neighbor, an 80-year-old widow in failed support hose and lace-up shoes, "*I'm* not marrying again till I see if he can get it up!") Late-show love isn't limited to second-time-arounders. Sally O'Hare, 78 and described as the Mary Poppins of her retirement home, calls smooth-faced Tom Houlihan, a dauntless widower pressing 90, her "first romance."

"I don't take any credit for being a virgin at 78," she says. "I was never tempted beyond my strength. I *am* disillusioned with the Catholic faith, because they taught me in school that if a boy puts a hand on you, something terrible will happen. Tom here has had surgery that makes physical relations impossible, but how can I miss what I never experienced? He's a strong man, though, even if he's a little weak in the legs," she says with a proprietary pat on his left knee. "And there's gratification in hugging and kissing. . . for *me*, anyway."

"Works both ways," says taciturn Tom.

"When I first came here, I didn't know a soul and I wanted to die," she says, still smiling. "My niece told me, 'This is it, Aunt Sally; you better learn to like it.' Then Tom came; I was shy, a late bloomer. He brings me the morning paper and a sweet roll every day. He's not much for giving compliments, but he makes me feel like a *woman*. . . for the first time in my life!"

Love's maiden voyage can be bumpy, though, according to May ("You're talking to a single girl") Miller. A decade younger than her 80-year-old suitor, Harvey Robinson, she describes agonizing seizures of "first-time-in-my-life" jealousy. "I don't blame her," he says proudly. "The woman just won't let me alone."

In most retirement residences, women far outnumber male eligibles and jaunty widowers are looking for anything but monogamous restraints. One hale septuagenarian said to service an unending lineup of elderly lovelies is dubbed "The Stud of Sunset House" by the dietician. "Somebody told him eggs are good for potency, so he brings *extra* ones for us to cook for him every morning," she says. "Well, he'd never swing like that on Cream of Wheat!" Another senior satyr haunts a nearby eye clinic to offer the comfort of his room across the street, "till your vision clears from the drops, dear."

"Once in a while we'll find an old couple playing with each other in the ballroom," says the affable manager of a posh suburban retirement hotel, "and we say, 'Wouldn't you be more comfortable upstairs?' We don't care what they do in the privacy of their own rooms—although a maid almost lost her teeth when she walked in on a great-grandmotherly type of 80 with *two* old bucks in her bed!"

Sometimes when mind and memory suffer loose connections, feeling can still send a message through. When Becky and Barney, both in their eighties, arrived at the retirement hotel their children found for them—modest rental, food and linen service, small clean rooms and planned activities—both were lost and apathetic. They have been blissfully inseparable since their mutual discovery three years ago,and it is so unusual to see either solo that when panda-like Barney lumbered into the dining room alone one day, the concerned social director immediately asked his tiny consort's whereabouts. "I follow Barney," a small voice wavered behind him, "and I always *will*, till I die!" ("They go up at night together," says the social director. "They neck in the theater, they help one another on the potty.")

"I didn't think about getting married, yet," says Becky, blinking guileless, faded blue eyes. "I'm waiting." The wispy grey hair is haphazardly spiked with combs to produce sparse Dorothy Lamour pompadours.

Becky and Barney can always be found in his room—according to switchboard reports—and "we kiss once in a while"; but both recoil at hints of shared beds. Becky explains, "God wouldn't want you should sleep with a fella you're not engaged." "*After*," says Barney, "why not?"

There will, it seems, be no "after." "Barney's children think their father has deteriorated because of Becky, that she's led him down the primrose path," said one hotel staffer. "They need more care, now, than they can get here, but they'd probably die without each other." At the insistence of Barney's children, however, the couple has been dispatched to separate nursing homes. "Let's face it," says the pretty young social director, "Barney's kids just don't like the girl he goes with."

W.H. Auden wrote: "Man must either fall in love/with Someone or Something/or else fall ill."

Becky didn't get her chance to follow Barney "till I die" and if—far from her "pel" now at another nursing home—she lapses into her occasional old habit of wearing two dresses at the same time, no beaming old man thinks it makes her look twice as devastating. But Dr. Barkham whistles "It Takes Two to Tango" during his pre-date shave, Celia Sampson and Jim Henning get dreamily bombed (then take a double bubble bath) to celebrate her 75th birthday. As another poet *might* have said, "Do Not Go Gentle Into That Good Night. . . Take a Roommate."

When the circus is nearly over, one last swing—two on the trapeze—is a thrilling, death-defying act. There is, after all, no retirement age for the feeling heart. ●

WHERE ARE THE HEMINGWAYS, FITZGERALDS, BENCHLEYS AND PARKERS OF YESTERYEAR?

In the Hollywood heyday of the '30s and '40s, almost every important author in the world wrote for the movies. Today's young screenwriters are often commercially oriented, insular Californians. Their movies show the difference

By Stephen Farber

For years the Hollywood screenwriter was the movies' Invisible Man. Only very recently have writers achieved celebrity status. Magazines have begun to run profiles on today's chic, high-priced young screenwriters, and several critics—Pauline Kael in her essay on Herman Mankiewicz and *Citizen Kane,* Richard Corliss in his provocative new book, *Talking Pictures*—have paid tribute to the unjustly neglected screenwriters of the past. The irony is that this belated recognition comes at a time when the quality of American screenwriting is deteriorating. After the brief promise of an American New Wave in the late '60s, movies have grown increasingly mechanical; most popular American films are mindless and manipulative, devoid of wit or imagination or humanity. These failures are often attributable to the writers.

In the '30s and '40s, the situation was different. Many of the directors of that period have already been canonized, but screenwriters contributed the stylish dialogue, the vivid characterizations and the sheer narrative drive that kept the general level of American movies so high. Hundreds of entertaining movies of that era were directed by anonymous hacks; the films are still worth watching because of their sophisticated scripts. For example, *Here Comes Mr. Jordan,* a witty, ingenious supernatural fable, was directed by someone named Alexander Hall but *created* by the prodigiously gifted writer Sidney Buchman. *Pride and Prejudice,* a remarkably faithful adaptation of Jane Austen's novel, happened to be directed by one of MGM's most undistinguished lackeys, Robert Z. Leonard; it sparkles partly because of the polished acting and partly because it was adapted by Aldous Huxley during his stay in Hollywood.

From about 1930 to 1950, Hollywood drew novelists, playwrights and journalists from all over the world. A partial list would include: William Faulkner, F. Scott Fitzgerald, Ben Hecht and Charles MacArthur, Lillian Hellman, Dorothy Parker, S. J. Perelman, Robert Sherwood, Clifford Odets, Nathanael West, Christopher Isherwood, Bertolt Brecht and Thomas Mann. As Anita Loos writes in her memoir, *Kiss Hollywood Good-by,* "When the writers were all moved into the new Thalberg Building [at MGM], a directory in the downstairs lobby listed, at one time or another, every important American, English, French and Hungarian author in the world."

The mythical screenwriter of that era is a boozing, hard-boiled cynic weeping crocodile tears about the agony of selling his soul while he lounges by his pool in Beverly Hills. According to this legend, novelists and playwrights came to Hollywood on a lark, in order to subsidize their more serious writing, and if they stayed, it was simply because they enjoyed the money and glamour of Lotusland. John Gregory Dunne revived this myth recently when he wrote a glib, condescending article on screenwriting for *The Atlantic.* Referring to himself and his

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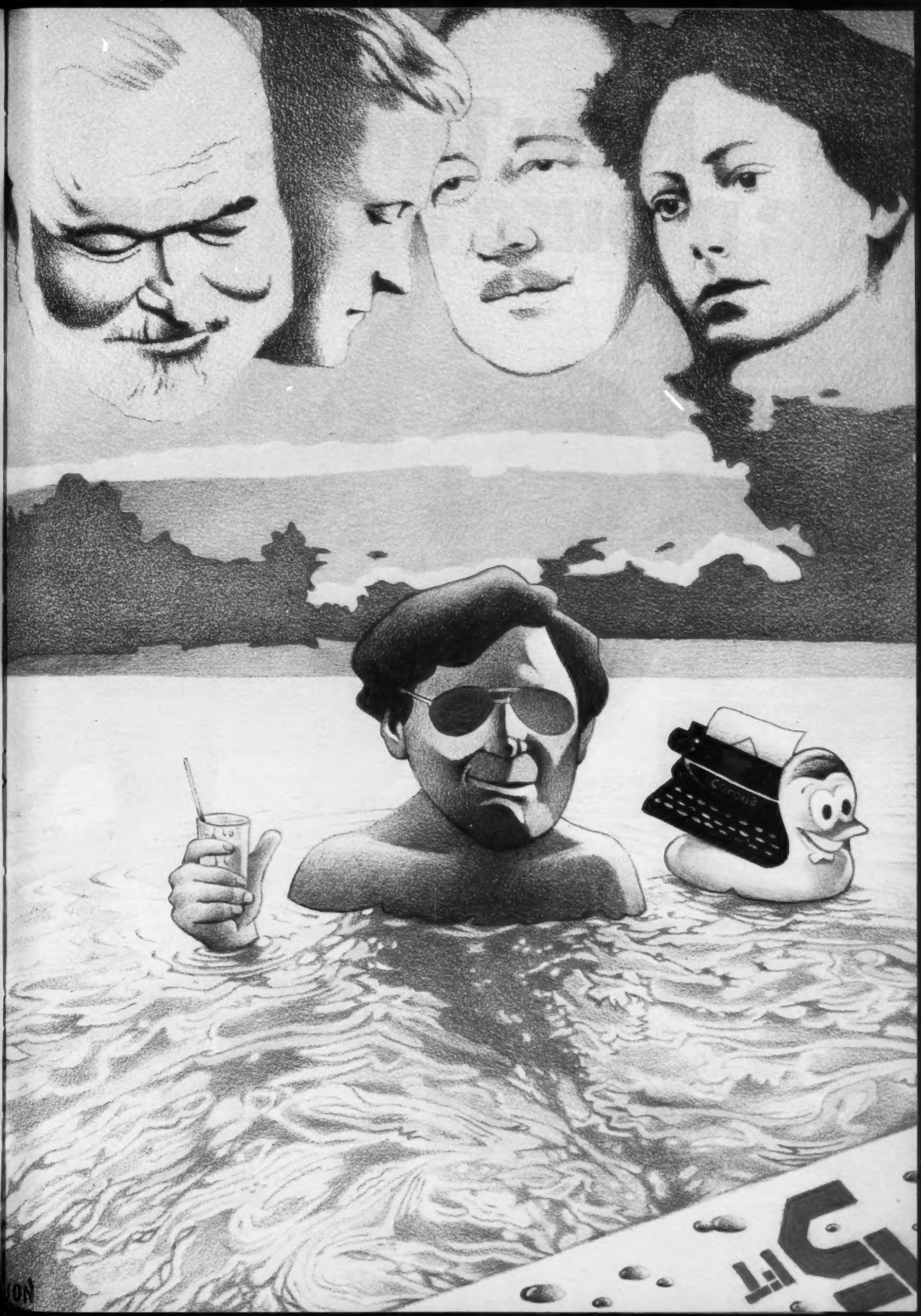

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NewTimes

The Mouse that Roars

wife, Joan Didion, as "bookwriters who moonlight on film scripts," Dunne concluded his catalogue of Hollywood horrors by asking, "Why then write for films? Because the money is good. . . . And because the other night, after a screening, we went out to a party with Mike Nichols and Candice Bergen and Warren Beatty and Barbra Streisand."

Although the screenwriters of the '30s and '40s suffered many of the same disappointments and humiliations that Dunne describes, they did not really share his contemptuous attitude toward movies. Ben Hecht, the most notorious Hollywood cynic, often mocked the follies of Tinseltown, but he also wrote a eulogy to the "mania" of the early moviemakers, "the mania that believed in movies as if God had sent them; that put the movies unblushingly beside Shakespeare, Shaw, Dostoevsky and Euripides." Aaron Latham's recent book *Crazy Sunday* indicates that while F. Scott Fitzgerald first came to Hollywood to take the money and run, he came back and grew more and more fascinated by the challenge of writing for the movies. Christopher Isherwood has revealed his enormous respect for the movies: "By working in this medium, which is a medium of visualization primarily, I learned a great, great deal, which I could use in my books. I never really saw things before."

"How can you write anything topical," asks *American Graffiti* co-author Katz, "when it takes three years to make it?"

Despite all the savage portraits of Hollywood, in novels such as *The Day of the Locust* and *The Loved One*, the town was once among the most intriguing cosmopolitan communities in the world. New York writers left the Algonquin Round Table and came to see the fabled West Coast Babylon for themselves. Europeans fleeing fascism during the '30s were also attracted by the California sunshine. For about a decade, Hollywood became a stimulating literary and intellectual capital roughly comparable to Paris in the '20s.

Abraham Polonsky, who settled in Hollywood in the '40s and wrote two remarkable John Garfield pictures, *Body and Soul* and *Force of Evil* (which he also directed), recalls the energetic community that he found: "When I came to this town, I was absolutely fascinated by the rhythm, the sense of life here. Hollywood had a character which it doesn't have now. People put out little literary magazines that published short stories and poems. There were dozens of them all around town. There were secondhand bookstores around that don't exist anymore. The commissary at Paramount had a Writers' Table. And no one came to that table except writers and their guests. That's where all the conversation went on, the joking, the fooling around, the talk about film, the talk about books, the talk about plays, the talk about politics.

"In those days people had hundreds of friends, compatriots, involved in all kinds of silly and good things at the same time. The whole world came to get something from Hollywood or to make some announcement to it or have some effect on it. Everyone showed up here. It was the *Rome* of the time, you see."

It is impossible to understand the community of screenwriters during the '30s and '40s without taking account of the political activism of Hollywood. Polonsky remembers: "When I first came to Hollywood in 1937, to raise money for refugees from the Spanish Civil War, I went to a rally downtown, and there were thousands and thousands of people there. I heard Ernest Hemingway speak that night. That was the kind of thing going on all the time. Then when I came back in 1945, we were always going to social and political meetings—these were noncommunist meetings. We were fighting for lettuce workers or farm workers or warehouse workers or the Seamen's Union. There was always some great cause blowing through the town."

The House Un-American Activities Committee destroyed the left-wing movement in Hollywood, and it also changed the nature of the screenwriters' community; the new mood of fear and caution halted the influx of writers from other fields once and for all. It is impossible to estimate the full impact of the blacklist, but Polonsky summarizes the changes he noticed when he returned to Hollywood in 1968: "This town has none of the political vitality that it used to have. During the '60s it is interesting that the antiwar movement in Hollywood was led by actors like Paul Newman and Jane Fonda. All the left-wing writers were back East, not in Los Angeles, because this town was wiped out and it still is."

More importantly, the literary and intellectual community of the '40s has vanished. Polonsky concludes, "I remember my conversations with my friends in the '40s. Hegel, Kant, Marx, Russell, Wittgenstein, all the modern writers, all the modern painters were *active* names in the communal, social, personal dialogue in this town. Nowadays, I only hear those painters' names when I go to Sotheby's to listen to an auction."

Today, there is a new breed of Hollywood writer. Most of the young screenwriters are not published writers, and they are certainly not intellectuals; they are commercially oriented, with a shrewd sense of the marketplace. Nevertheless, some of these younger writers have already emerged as important talents: Gloria Katz and Willard Huyck, a witty husband-and-wife writing team who

Towne, currently the highest-paid screenwriter, accepts the Oscar for *Chinatown*.

Stephen Farber, an L.A.—based free-lance, writes about the arts for the New York Times *and other publications.*

ANTHONY EDGEWORTH

David Ward's script for *The Sting* brought him $250,000 and an Academy Award.

worked with George Lucas on the screenplay of *American Graffiti*, then sold their own original *Lucky Lady* to 20th Century-Fox; Robert Towne, an overrated but unmistakably skillful craftsman who won an Academy Award for his script of *Chinatown*, and also wrote *Shampoo* with Warren Beatty; Carole Eastman, author of *Five Easy Pieces* and the new Mike Nichols movie, *The Fortune;* Terrence Malick, writer-director of the critically acclaimed but commercially unsuccessful *Badlands;* Joan Tewkesbury, Robert Altman's writer on *Thieves Like Us* and *Nashville.* Today, not all screenwriters have to live in Hollywood. The most gifted of the New York-based writers are David Newman and Robert Benton, the pair responsible for the dazzling scripts for *Bonnie and Clyde, There Was a Crooked Man* and *Bad Company* (which Benton directed).

It is interesting to note how many of the successful new screenwriters—Katz and Huyck, Towne, Carole Eastman, as well as John Milius *(The Life and Times of Judge Roy Bean, Dillinger, The Wind and the Lion),* Walter Hill *(The Getaway,* the upcoming *Hard Times),* Marc Norman *(Oklahoma Crude, Zandy's Bride)*—are native Californians. Hollywood is a more insular community than ever before, and writers are more isolated. Some of these screenwriters hang out together, but all of them admit that the cosmopolitan community of the '40s has disappeared. Robert Towne confirms, "There is no ongoing community today. The community is fragmentary, temporary, impermanent. But that may be a result of the fact that making a movie is a totally absorbing experience. It's the hardest work I've ever done, and I was a commercial fisherman, which is very hard work. You don't have a lot of time left over if you are really working on a movie. You can't get together for coffee klatches."

While it can be argued that today's screenwriters are more wholeheartedly committed to movies than the writers of the '40s, many current writers could use some of the discipline and resourcefulness that older writers developed working on novels, plays or newspaper reviews. Even a minor film like the recently released *Rancho Deluxe* (indifferently directed by Frank Perry) stands out from the mass of current movies because of the vitality of the screenplay. It was written by novelist Thomas McGuane, and his pungent dialogue and amusing, eccentric characters remind us of qualities that movies have lost.

Why do movies attract so few established writers today? Willard Huyck suggests one possible answer: "A lot of people now think it's feasible to work in the movie business, so maybe people who once would have become reporters or novelists start out to be screenwriters." (Sometimes the standard pattern is even reversed. Nicholas Meyer, for example, worked for several years as an unsuccessful screenwriter before writing the best-selling novel *The Seven-Per-Cent Solution.)* Although writers still may see their work mutilated by insensitive producers, they no longer regard film as a second-class art.

In addition, screenwriting has changed in character since the '40s. As directors and actors have gained more power, the screenwriter has been placed in an ambiguous position. He can no longer count on his script being shot as written; with more and more improvisation, film is becoming a more totally collaborative medium than ever before, and established writers who believe that their words are sacrosanct may not be able to accept that organic approach to filmmaking. On the other hand, writers who do not think of screenwriting as comparable to the solitary experience of writing fiction or lyric poetry may find this collaborative process exciting. Joan Tewkesbury comments on her work with Altman: "It is a total collaboration. The structure of the script doesn't change, but you allow things to happen on the set. On *Nashville,* the actors were encouraged to use their own experience to rewrite their dialogue. But I was on the set, and if I felt something was going wrong, I always had a voice."

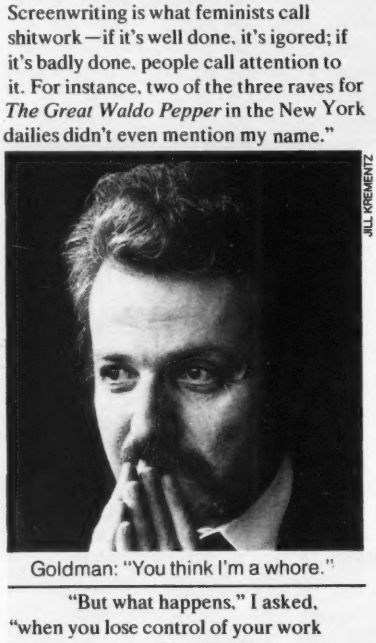
A TALK WITH A BIG-TIME SCREENWRITER

By David Denby

"I'm not really a commercial writer," says William Goldman, 43, the author of ten novels (the most recent: *The Marathon Man*), a journalistic book about the New York theater *(The Season)* and numerous original screenplays and screen adaptations of his own and other people's novels. Goldman is one of the wealthiest writers in America, and it's hard to understand what the hell he's talking about. A selection of his recent coups: He was paid $400,000 in 1967 for his original screenplay *Butch Cassidy and the Sundance Kid*—at the time the highest fee ever laid out for an original; he received $500,000 from 20th Century-Fox for the rights (plus his own adaptation) to his 1973 novel, *The Princess Bride*, a book that came and went as quietly as the spring breeze, and another $500,000 from Paramount for *The Marathon Man* (rights plus adaptation), which John Schlesinger is scheduled to direct in the fall; and he has a $1-million deal with Dell for the hard- and soft-cover rights to three novels, as yet unwritten. Currently before the public are two Goldman adaptations: *The Great Waldo Pepper* (from a story by director George Roy Hill) and *The Stepford Wives* (from Ira Levin's novel). *All the President's Men*, Goldman's adaptation of the Woodstein book, has just gone into production (although the screenplay was reportedly rewritten last winter by Carl Bernstein and his then girlfriend, Nora Ephron, only to be rewritten again by producer-star Robert Redford and director Alan Pakula). This summer Goldman agreed to write another documentary, the screen version of Cornelius Ryan's best-selling *A Bridge Too Far*, for a six-figure sum.

At his office, a converted one-bedroom apartment in a noisy family building on Manhattan's East Side, Goldman talked about how he views himself and the movie business. The work room was dark-wooded, comfortable, unpretentious, with a good northern view. Greying and handsome, a mustache trailing down past the corners of his mouth, Goldman shares many mannerisms with his friend Robert Redford, for whom he's written four screenplays—a ready smile, ritual self-deprecation before asserting himself and a pressing desire to be taken as the most regular, open and unassuming millionaire on the block. The charm is pervasive—until you push against it a bit.

He lives in New York because he thinks Los Angeles is a dangerous place for writers. "You get sucked into the social side of movie-making out there, and I don't want that. I want my connection to movies to be limited to screenwriting—I don't care about being a producer, a director, a set director or a costume lady. I like to think of myself as a novelist. If I were just a screenwriter, I'd kill myself. Screenwriting is what feminists call shitwork—if it's well done, it's igored; if it's badly done, people call attention to it. For instance, two of the three raves for *The Great Waldo Pepper* in the New York dailies didn't even mention my name."



JILL KREMENTZ

Goldman: "You think I'm a whore."

"But what happens," I asked, "when you lose control of your work because you're in New York?"

"I feel terrible when it happens, but I'm not going to spend the time and suffer the grief necessary to stop it. Bryan Forbes [the director of *The Stepford Wives*] loused up my ideas by rewriting the script, and the movie came out soft and slow. But who knows? If I had had total control over that production, I might have hired Bryan Forbes to direct in any case. You know there's basically an adversary relationship between writers and directors. Personally, I don't like directors; I think they're jealous, petty and frustrated. They'd like to be writers, only they can't do it."

"So how do you fight against alterations in your work?"

"Well . . . Hollywood overpays for silence. If you argue too hard you have too much to lose."

Goldman's commercial ascendancy—call it overpayment if you like—may have begun with a publisher's miscalculation. Back in 1964 Bantam Books laid out a six-figure advance for the soft-cover rights to *Boys and Girls Together*, expecting the hard cover to sell big. As it turned out, the hard cover sold only 15,000 copies, so Bantam decided to spend more money to protect its investment, toying around with sexy covers for three months until it came up with the grey-on-white etching of a bare-chested couple embracing and the words "William Goldman's bold, shocking novel of our times." After a blitzkrieg ad campaign, the soft cover became a campus-and-subway hit, selling a million copies in four months (it is currently in its 30th printing). Goldman was blessed with similar luck on *Butch Cassidy and the Sundance Kid*. Five of the seven major studios wanted the script, and the price was driven up to astronomical heights by auction-like bidding, until the deal was finally closed with Fox at $400,000.

"Some writers just get hot, that's all," says Goldman, and indeed that's all he'll offer in the way of explanation. "It has little to do with me or with the quality of the material. It has to do with the market at any given time."

But when does a talented writer get tired of writing for the market? After he's earned $3 million or $4 million, where does he find the motivation to write another $500,000 project? I asked Goldman if he wasn't pricing himself beyond the range of small, serious films.

"You mean why don't I write 'art' films? But who *is*? I've tried writing little films and they haven't been made. Anyway, little films don't earn money. *The Conversation* was a bore. *The Gambler* was a commercial disaster—a *disaster!*"

"Then aren't you saying that there's a status system for screenwriters and it's now impossible for you to accept a project below a certain pay level?"

"You know, the unspoken reason you are here is simply that I earn a lot of money—that's why *New Times* sent you. You think I'm a whore, and it's your job to make your piece exciting by going after me. That's your job, and you'll do it, and we'll never see each other again."

Perhaps the main thing that discourages writers who once might have gravitated to movies is the difficulty of getting scripts produced. A writer may be hired to write a script, but then if the producer cannot attract a "bankable" star or director, the project collapses. During the '30s and '40s, the process was much simpler; the studio rajah approved a script, and it went right into production with several of the studio's contract players. Today, before a final decision can be made, the script must be read and approved by a great many more people—agents, stars, directors, producers, executives from the studios, as well as from other corporations and tax-shelter groups that are co-financing more and more movies. What this means is that the percentage of screenplays made into finished films is smaller than ever before. Like the English playwright John Hopkins, writers may work on a dozen projects that are never filmed. Gavin Lambert, the English critic and novelist, recently left Hollywood (after 15 years there), discouraged by the increasing difficulty of turning his scripts into movies. Judith Rascoe, an established fiction writer (whose collection of short stories, *Yours and Mine,* won highly favorable reviews) and the author of several unproduced screenplays, comments, "If a screenplay is lost, it is lost forever. With all the problems of fiction, you know that if you're determined enough, you can usually get your work published. When you're working on a screenplay, the chances are that it will just drop into a black hole."

David Newman elaborates on the peculiar nature of the movie business today: "You can get paid a handsome sum of money to write something which is then read by four people. That happens to everybody in this crazy business. Very often the script will be shelved because of the turnover at the studios. One of those new studio heads will come in and throw away 30 properties. That's happened to us twice. There are more unproduced scripts today because almost the only kind of production that exists is independent production, and independent deals are step-deals. They can cancel the project after each draft of the script, and there's probably a certain point when the producer or the studio chief thinks, 'If we don't cut off now, it means we have to go ahead and pay in full for another draft, and we're not really sure that we can get Dustin to do the film.' So they cut." Abraham Polonsky talks about the debilitating psychological effect of working on scripts that are not produced: "That's just death. After a while you get so you only care about the money. A writer who writes words that are never spoken or seen doesn't know who he is. I think it destroys his personality."

Alexander Jacobs, an English writer who settled in Hollywood in 1966, has shown his talent for thrillers with his scripts for *Point Blank, The Seven-Ups* and *French Connection II;* but his most interesting scripts are still unproduced. During the '30s, when the studios were making 500 movies and sending them out to their own theater chains, it was easier to slip an offbeat film through the assembly line. Today, Jacobs points out, "Most studios make between six and ten films a year, and that means the pressure on those films to find the lowest common denominator becomes greater than ever. Because the market isn't stable anymore, the studios simply go for scripts that are painted with enormously broad brush strokes."

Besides, it can take as long as a year or two to "package" and sell a script and another year to get it into production. Gloria Katz says, "How can you write anything topical when it's going to take three years to make it?" Willard Huyck admits that this time lag has an effect on the content of scripts: "I think it would have been fun to write in the '40s, because you always had a movie coming out. There was so much activity. Now, because it takes so long to get a film made, you may become a little leery of trying things. You think, 'My God, I have to spend three years of my life on this; it had better be a surefire commercial project.' "

The $300,000 scripts have certain things in common: They all have larger-than-life heroes, and they all have heavy doses of violent action

During the '30s and '40s, writers saw their work compromised by the vulgar studio moguls. That pressure still exists, but there are also more covert, more insidious pressures today. Alex Jacobs gives an example of an agent demanding changes in a script: "The agents have colossal power that they never had in the old days. On the script I've just written, which is about the Tour de France bicycle race, we wanted a big international star. His agent read it and loved the script. But he said, 'Of course, there is one problem. The role you want my client for is not big enough. I think we should change it and have him play this other character, and of course in the end that character must win the race.' I said, 'Well, that would be a different script entirely.' He said, 'Yes, I know, but in the end you want to make the movie, don't you?' So you have the agent coming in as the final creative arbiter."

As this story implies, the major problem for the writer today is the star system. Contrary to what some outsiders believe, the studios are more star-crazy than ever before, and although there are only about a dozen stars who are considered "bankable," almost every script considered for purchase must have a role for one of those stars. Jacobs emphasizes, "Today, I think there are eight or ten male stars, all of them essentially the same type—rugged he-men in outdoor settings—and there are two women stars. If you tailor the scripts narrowly to their requirements—and you have to—then obviously whole levels of richness simply have to be cut away. By contrast, in the '30s and '40s you had an enormous range of people to write for. Just think of Gable, Cagney, William Powell, Gary Cooper, John Garfield, Errol Flynn, Norma Shearer, Greta Garbo, Roz Russell, Jean Arthur, Joan Crawford, Bette Davis . . . and one could go on and on with the list. One simply doesn't have that range of actors today, and I think that's an enormous problem."

Gloria Katz confirms the destructive influence of the star system: "You can think of a very interesting story, but if it does not have the kinds of star roles that make it bankable, the film will never be made. We were hoping that *American Graffiti* would make the studios realize they could build new stars. But they never learn. In our new script, *Havana,* the lead is a woman. As soon as we brought it to a studio, they said, 'You must build up the male character because otherwise we cannot cast this picture.' "

In spite of all these obstacles, the rewards for successful screenwriters are greater than before. Hollywood is still a gambler's paradise, a gold rush town where an unknown prospector can stake out a claim and hit the jackpot overnight. Now that the studios are no longer buying so many novels and plays to adapt, they are desperate for original material, and a number of young writers without credentials, and with very little experience in the business, have been able to sell a screenplay for a small fortune. David Ward's script of *The Sting* went for $250,000.

Paul Schrader's *The Yakuza* and Marc Norman's *Oklahoma Crude* for $300,000, the Huycks' *Lucky Lady* for $450,000.

Why will the studios pay such exorbitant fees to unknown writers? These high-priced scripts do not always turn into money-making films; *The Life and Times of Judge Roy Bean, Oklahoma Crude* and *The Yakuza,* for example, all lost money. Yet the producers continue to pay for scripts that they feel have blockbuster potential, and young writers who are willing to write on speculation have the same chance as established veterans. The $300,000 scripts have certain things in common: They all have larger-than-life heroes—broad, juicy roles to attract a star—and they all have heavy doses of violent action. It also helps if they have an international appeal; *The Yakuza,* for example, sold because its story of an American private eye caught up in Japanese gangland warfare seemed to have strong commercial potential in the Orient as well as in America.

The deals are orchestrated by the agents, who have enormous influence over the studio executives. Paul Schrader explains that in the case of *The Yakuza,* the $300,000 deal was clinched by Robin French, an agent with International Famous Agency for 17 years (and now an executive himself—at Paramount): "For weeks Robin was going out and doing the complete word-of-mouth routine, going to dinner parties and saying, 'There's this fantastic script out.' We hit all the right people. It got to the point where people were calling us and asking for scripts. Robin told us to refuse to accept any offers for five or six weeks. Finally, he opened the auction. The day the auction opened, there were 16 bids, all in the vicinity of $100,000. It kept going up."

For the young writers, this sudden fame and fortune can be heady and disorienting. Some respond more recklessly than others. John Milius, known for his extravagant gestures, ordered chili from elegant Chasen's restaurant delivered to him on the picket line during the 1973 writers' strike. The 28-year-old Schrader bought a house in Brentwood and threw a party at which the highlight was a stripper flown in from Texas to entertain the guests. A year later he had to sell the house and move back into a smaller duplex. On the other hand, Carole Eastman, who reportedly earned close to half a million dollars for the script of *The Fortune,* still lives in the unpretentious Chateau Marmont—a colorful apartment hotel located on one of the drabber sections of the Sunset Strip. Robert Towne, the highest-paid screenwriter at the moment, says that success is less disruptive when it comes later: "If you have a big success when you're young, you may feel uneasy and vaguely guilty, and you respond in strange ways. But I had been working for over ten years without any recognition or success. At this point, it doesn't change my life as much. I don't live any differently now."

The high prices paid to writers seldom reflect the merits of the scripts. A half dozen of the writing stars are extraordinarily gifted; the majority are undistinguished hacks, and the derivative, colorless quality of recent American movies can often be traced to the shabbiness of the writing. Talented directors are forced to work on second-rate material: Martin Scorsese tried unsuccessfully to enrich Robert Getchell's television-style script, *Alice Doesn't Live Here Anymore;* even a director of the stature of Arthur Penn failed to redeem Alan Sharp's murky, hollow script for *Night Moves.* Most of the young writers today are film school graduates who went directly from the university to the sound stage. Like one of the most influential directors of their generation, Peter Bogdanovich, they have little to bring to movies except their detailed knowledge of the old films that they have dissected in film history classes or memorized from repeated viewings on *The Late Show.*

"Today, most of the young writers are straight out of the universities," says Alex Jacobs. "They've never worked, they come from middle-class homes"

Alex Jacobs, one of the most articulate observers of New Hollywood, notes, "It's worth remembering that the writers and directors and producers of the '30s and '40s had had a vast variety of other jobs and experiences before they came to make films. Because of their experiences, they were great raconteurs, and this was one of the gifts they brought along with them. Today, most of the young writers one meets are straight out of universities. They've never worked, they come from middle-class homes. They have been in film school, which seems to me the worst possible training, given the sort of film schools one sees in America. I'm all in favor of film schools that teach real theory. The Experimentale in Rome spends two years on philosophy with its film students. In film schools here the students learn how a camera works and the names of the best agents to approach in order to advance their careers."

Willard Huyck admits that writers today have limited experience and therefore fashion films based on other films, but he offers one possible justification: "When you go to art school or start in creative writing, a lot of times you start by imitating. That's the way art has always been taught. As you imagine a scene, you think about how you have seen it before. I hope young writers will go beyond that."

But, in the meantime, movies are turning in on themselves, growing more and more insular and synthetic. Alex Jacobs argues, "America is in ferment; it's actually grappling with the new. Yet there are very few films that reflect these social changes. When you think of drugs, the assassinations, the Third World, the fight by black people, the fight by women, the image of American military might besmirched by My Lai . . . there is a whole vast array of subject matter which has never been touched. I'm not arguing for ponderous political tracts. I'm asking for movies about *life.*"

Instead, the scripts of many of the young writers concentrate on action and violence, with a special emphasis on male camaraderie. Jacobs protests this macho obsession: "Their writing is incredibly sentimental about these rugged he-men and the 'love between two men' that is so popular now. I read a script recently by a very modish young writer in which the hero and his buddy spend 25 pages going through an incredible series of farfetched adventures. At the end of each one, they give one another 'that look of brotherly love.' I guarantee that on the screen all you'll see are two young men looking at one another like a couple of gorillas in the jungle."

It would be unfair to put all the blame on young writers. The veteran Stirling Silliphant, an Academy Award winner and one of the highest-paid writers in town, composed the appalling screenplay for *The Towering Inferno.* One can get some idea of the decline in American screenwriting by comparing *The Towering Inferno* or *Earthquake* to one of the earliest disaster movies, *San Francisco.* Anita Loos's script for *San Francisco* is infected with the religious piety that MGM favored, but it had appealing, memorable characters, and that is why the movie still holds up. In the new disaster movies, the characters are over-

SANDY SOLOMON

A husband-and-wife team, Gloria Katz and Willard Huyck worked on *American Graffiti*. Their new script, *Havana*, calls for a woman lead.

whelmed by the special effects; no one comes alive. Characterization is one lost art in American movies. Hollywood films rarely had great depth, but they once had rich galleries of sharply drawn, idiosyncratic characters. David Ward's Academy Award-winning script for *The Sting* and Robert Towne's Academy Award-winning script for *Chinatown* are cleverly plotted, but there are almost no vivid characters comparable to the characters created in such vintage genre movies as *The Lady Eve*, *Adam's Rib* and *Notorious*.

Some new movies do not even have that narrative facility. Two Academy Award winners, Ernest Tidyman and Abby Mann, worked on the screenplay of *Report to the Commissioner*, and the movie is still completely muddled, with huge gaps in logic and credibility. Or consider the case of *The Yakuza*. Warners paid $300,000 for the original screenplay by Paul Schrader, then several hundred thousand dollars more to Robert Towne to rewrite the script. Didn't the studio executives who read the various drafts ever realize that the story made no sense? More than half a million dollars spent for the script, and yet the plot remains hopelessly contrived and so convoluted that it takes over an hour of laborious verbal exposition simply to clarify what is going on.

A strong narrative used to be one of the elements you could take for granted in American movies. Towne admits, "Movies were more carefully made in the '30s and '40s. Everyone considered it important to tell a story. What has happened to movies in the last ten or fifteen years is like what happened in painting and literature earlier in the century; there has been a movement away from representational art. But in movies it's very easy to be irresponsible without a narrative line. Even if you choose not to tell a story, you have to know *how* to tell a story. It's very difficult to write a narrative. I cannot tell you the amount of work involved in seeing to it that the plot of *Chinatown* made sense. It's a discipline."

If writers were abandoning the narrative mode in order to experiment with nonlinear films, that might be legitimate. But they are still trying to write straightforward genre movies; they have simply lost the knack. Is it possible that the experience of working in television helped to destroy many writers' narrative sense? Robert Benton comments, "I think television writing is much more ritualistic than movie writing; you have a limited amount of time in which you have to make certain points in a punchy way." David Newman adds, "You have to write teasers, and look for wham-bam shock effects. That gets you into bad habits in terms of plot construction."

One difference between the screenwriters of the '30s and the '70s is that writers today all want to direct; they know that is the only way to retain control of their work. But if their scripts are so shallow and amateurish, will they be able to contribute anything more substantial as directors? There are good writers today, of course, but Hollywood movies have lost the creative vitality that they had when Ben Hecht, Dorothy Parker and Herman S. Mankiewicz were in town.●

Movies

Nailing the *Coonskin*

By Nik Cohn

Of the late summer crop, only two films have truly stirred me up—*Coonskin* and *Hennessy*. Both of them, at very different levels, are failures. One of them, however, is merely an artistic failure, while the other is a gross obscenity.

For those who haven't come across it yet, *Coonskin* is the latest feature-length cartoon from Ralph Bakshi, who was also responsible for *Fritz The Cat* and *Heavy Traffic*, and is an updating of Br'er Rabbit and the Tar Baby, with the scene of action transposed to present-day Harlem.

In its new guise, the fable becomes a murderous political allegory, an acid-nightmare trip through black America, teeming with demonic grotesques—fake evangelists, blubber-bloated Mafiosi, pimps and hookers, pushers and junkies, bent cops, transvestite hitmen, grafters, exploiters, brutalizers of every kind. Harlem is, quite simply, hell. And the American Dream is its devil.

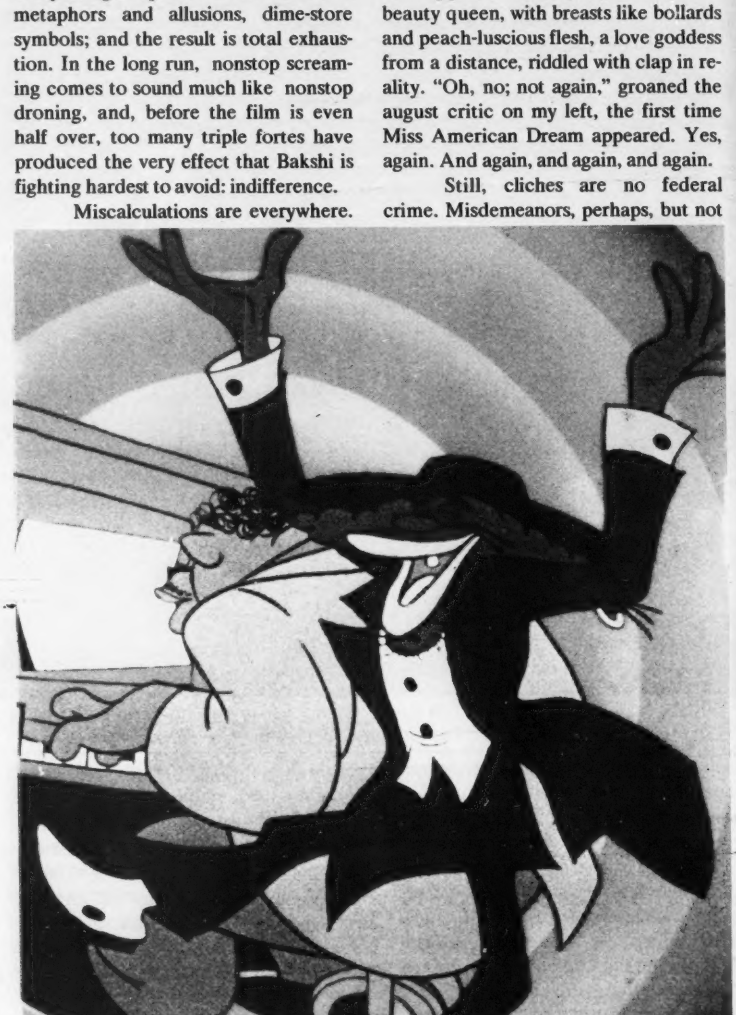
The basic idea is fine; it doesn't work, that's all. Not that *Coonskin* doesn't possess a deal of good qualities. The animation itself is brilliant, some of the individual scenes quite blazingly vivid. For much of the time, the film has energy, power, real imagination. Still, in the end, it falls flat.

At root, the cause is overkill. Utterly committed to his vision, sunk neck-deep in polemic, Bakshi has staked everything on intensity, pure blood impact. He has produced one long scream of terror, rage, loathing, and, for any given five minutes, the effect is genuinely horrendous. But over the course of an entire movie, intensity alone is not enough. On the contrary, the greater the inner passion, the more essential it is to keep up a discipline, the sternest economy of method. Without restraint, the most apocalyptic of nightmares degenerates into just another bad dream, shapeless, hysterical—a hopeless wallowing.

That is what happens to *Coonskin*. Bakshi has never been much on subtleties, and here he goes completely overboard. His fury runs off with him, destroys all judgment. Every point is driven home with a steam machine; every image exploded in a fusillade of metaphors and allusions, dime-store symbols; and the result is total exhaustion. In the long run, nonstop screaming comes to sound much like nonstop droning, and, before the film is even half over, too many triple fortes have produced the very effect that Bakshi is fighting hardest to avoid: indifference.

Miscalculations are everywhere. There is an attempt to mingle animation with real filmed backgrounds, a juxtaposition so clumsy that it looks as though it was put together by first-semester students. Certain sequences, notably a plot to assassinate an aging Mafia chief, drag on interminably, while others are thrown away for nothing. But in the end, the killing flaw is triteness. No chestnut, so it seems, is too hackneyed, too easy to take its turn in this parade. Not even that coldest of all cold turkeys, Miss American Dream, who appears as a *Playboy* fantasy of a beauty queen, with breasts like bollards and peach-luscious flesh, a love goddess from a distance, riddled with clap in reality. "Oh, no; not again," groaned the august critic on my left, the first time Miss American Dream appeared. Yes, again. And again, and again, and again.

Still, cliches are no federal crime. Misdemeanors, perhaps, but not yet a hanging matter. So it's hard to understand why *Coonskin* should have whipped up such rage and alarm in the ranks of black pontificators. Long before it had even hit the cinemas, CORE was demanding frantically that it be suppressed. Indeed, Paramount executives, who had originally put up finance, were so cowed that they canceled its release altogether and it had to be rescued by Bryanston, a smaller independent. "This film is racist. It de-



A scene from *Coonskin:* director Bakshi goes completely overboard.

picts blacks as slaves, hustlers and whores," screamed a spokesman from Harlem. And so it does. It calls a spade a nigger, many times. It is also passing rude about wops, wasps, paddys and kikes. But then it is meant to be satire, after all, and if a satirist cannot employ a bit of racial, or sexual, caricature, as his forebears have been doing for thousands of years, then what on earth is left to him?

Really, the whole affair is absurd; says nothing about *Coonskin* and much about CORE. Over the years, official black movements have fallen into this trap so often, shrieking in blind panic at the first whiff of honesty, any white vision of the Negro that wasn't Sidney Poitier. Still, even by their standards of paranoia, the notion of Bakshi as fascist is farce on the grand scale.

Far from being anti-black, *Coonskin*'s greatest strength is precisely its involvement, its imaginative sympathy. Within its surreal framework, it deals in ghetto realities, not in soapsud fictions, and therefore what it shows is mostly pain, and waste, and mass exploitation, both by white outsiders and by blacks themselves. If that is racism, I'm Goebbels.

The irony is sour indeed. Whatever his failings as a creator, Bakshi has passion and courage, tries desperately not to cheat. And that, to CORE, is clearly his greatest sin. He has dared to show blacks as humans, prisoners in an inferno, made weak, corrupt and pathetic by their miseries, rather than as sainted martyrs. He has refused to condescend, to pay the standard lip service. *He is offensive,* howls the spokesman. *Because I forgot to lie,* says Bakshi.

That is the crux. As a film, *Coonskin* is a chaotic, talented waste. Just the same, no one but a pompous twerp could possibly take moral offense. Through all its faults, its intentions shine through as pure as Merck.

Hennessy, on the other hand, is absolutely filthy, a product so degraded that, when I got out of the screening, I went roaming in a frenzy through the labyrinthine corridors of American International, searching for a suitable jaw to sock.

Basically, it is an attempt to rehash *The Day of the Jackal,* transposing the scene of action to Ulster. A man sees his wife and daughter gunned down accidentally by the English soldiery. Turned nutsy by grief, he sets out to blow up the Queen and the Houses of Parliament. Of course, he does not succeed. He dies. The Queen moves on serenely. End of movie.

As an adventure film, all of this is merely incompetent, tired, unspeakably dreary. Rod Steiger, Lee Remick and the rest of the cast sound as Irish as lox and bagels. Every scene, every line, is utterly predictable. The whole production looks as if it's been put together by numbers.

Still, that is not what maddened me. Even a few weeks as a film critic have been long enough to inure me to routine hackishness. But there is something in *Hennessy* that is truly, profoundly sick, and that is the basic premise: the use of the Irish situation as a milking cow for commerce.

Perhaps I am biased. I am Irish myself, I come from Derry. All my life, I have watched this beautiful, tragic country being systematically torn to pieces. And I don't believe that its sorrows are fit for a spiffy little suspense film, cheap and soiled as a used condom. To take such sufferings, all that slaughter and hopeless human misery, and turn it into a caper—this is an act of exploitation so rank that it almost boggles my belief.

As a rule, I don't use foul language in print. But sometimes there are no other words. *Hennessy* is shit, nothing else. And for what they're worth, which isn't much, I'm afraid, I place the best of my curses on everyone who helped create it.

All in all, therefore, we are left with a distinctly bizarre situation. The other day, as I toddled up Broadway, past the cinema where *Coonskin* is playing, I passed a small gaggle of protesters, forlornly picketing and handing out pamphlets. But *Hennessy*, meanwhile, has been happily ensconced at the Radio City Music Hall. It is rated PG, has been recommended widely as family entertainment, and no one raises a murmur or considers it odd in any way.

Most curious. Last night, I was discussing *Hennessy* with a friend and he defended it stoutly. "It has a lot to say about the world we're living in," he said. And I fear that he was right.

To end on a brighter note, I would like to put in a plug, slightly against my better instincts, for *Farewell, My Lovely*. It is purely an exercise in recreation, to make a Raymond Chandler movie precisely the way they made them back in 1940, down to the tiniest

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detail, and somehow, 35 years on, that seems a rather meager aspiration. Slavish imitation, campy retrospection—these are scarcely noble ideals. That said, however, I must admit that it's rather marvelous stuff, a flawless fake. The script, direction and settings are all spot on. Charlotte Rampling looks gorgeous in the Lauren Bacall role, Sylvia Miles hams away splendidly as an alcoholic widow and Jack O'Halloran, a former prizefighter whom I used to watch manhandle a series of hapless British heavyweights a few years ago, is perfect as the gigantic, lovelorn Moose Molloy.

And then, of course, there is Robert Mitchum. Not only is his version of Phillip Marlowe magnificent throughout (even better than Bogart, I thought, if that is not too unimaginable a heresy), but he also provides by far the most mesmeric moment that I've seen in any film this year, my hands-down winner of the 1975 Cold Sweat Award.

The moment in question occurs right at the outset of the picture. As the credits unfurl, the camera tracks slowly through a skid-row street filled with bars, pool halls and flophouses, all most eerily lit in a kind of sepia wash. At last, it stops at one hotel and starts to climb, and there, standing at a second-floor window, dimly lit by the neon sign below, is Mitchum. A cigarette droops from one corner of his mouth, he holds a half-empty glass. His clothes are rumpled, his jowls sag, his eyes hold infinities of weariness, indifference, stale disgust. And he just stands there. Doesn't move a muscle. Simply Mitchum, being Mitchum, being Marlow. In that single flash, he summons up the entire Chandler world, and the film is made. Bring on the Oscars, I say.

Music

David Cassidy: Growing pains and tuna fish torment

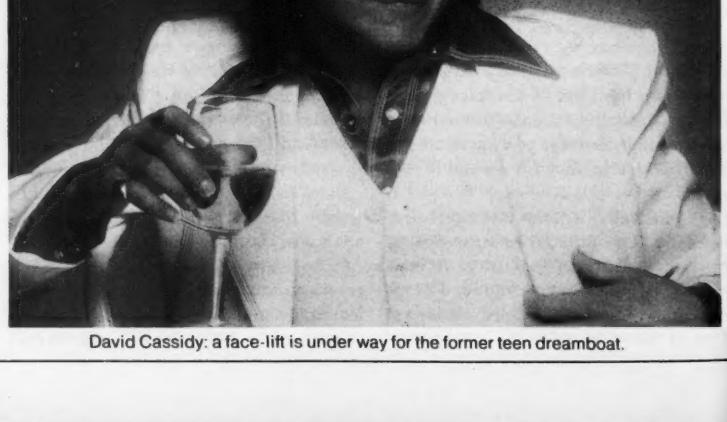
By Janet Maslin

Such a sad story, and so much premature grey sprinkled through the mod coiffure of the 25-year-old former teen dreamboat who's telling it. . . . David Cassidy is speaking so solemnly that the first thing a stranger peering into his hotel room might wonder is: who died? (The stranger's second question would perhaps concern Cassidy's perching atop a couch so that everyone else is at knee-level.) A bewildered frown makes his elfin face less pretty than photographs, and he's so slight he looks frail. His lavender shirt, borrowed from a younger brother, is uncomfortably small, and he wears the kind of overpatched, ginghamy jeans that look just-so if you're on Sunset Strip and just-silly anywhere else. Somehow, the jeans make the story even sadder.

Word had it that David wouldn't want to talk about the old days, but word had it wrong: He's so eager to clear the air that he can go on for an hour virtually uninterrupted, stopping only to . . . sigh. "It's really hard . . . for me to tell this story . . . because it's so . . . involved," he begins, very breathily. "I was 19 years old when I started doing this, and when I was 19 years old I didn't have a *clue*." Things are different now, he explains with melancholy candor, but you can't . . . understand that . . . without having a little . . . background.

Six years ago, with various stage and television credits behind him, Cassidy was signed for the role of a cute kid three years his junior in a then-forthcoming TV series called *The Partridge Family*. His contract specified that his name and likeness could be used freely in connection with the program, a provision that eventually led to David Cassidy shirts, dresses, comic books, lunch boxes, bubblegum cards, love beads—"hundreds of different items, I can't even remember them." But that was not nearly so trying as the fact that David "really had nothing to do with any of it. I was totally manipulated on one level, inasmuch as, being an actor, I had a contract to show up at such and such a time and say what they gave me to say, like everyone else in the Screen Actors Guild—it's part of the plan. And that's what I did: I showed up and . . . said my words, 'Hi, Mom, canIborrowthekeystothecar?' But it was unique inasmuch as there was music in the show. And I was really the only one on the show that . . . *sang*. So the records are really *my* records. I mean, when they talked about the records between the producers and the company, everybody would say, 'They're David's records.' But they were made for a television show, they weren't made for me. I mean, I never made a record as an *artist*."

Nor did he make any with a producer he liked; he was assigned to Wes Farrell, who Cassidy says put his own songs onto the albums for the sake of the royalties and who "uh, produced . . . one record . . . over and over again. He only knew how to make one record. . . . Well, it's history." It could have been worse: There were half a dozen gold albums and singles, and by



David Cassidy: a face-lift is under way for the former teen dreamboat.

the end of his second year David had progressed from a paltry $600-a-week scale to $1 million or $2 million a year. "Financially, it was very rewarding," he concedes. "But I became very quickly disenchanted with the situation. I had my name on it, but it had nothing to do with *me*. So it was really . . . very . . . frustrating."

After two years (his contract with Bell Records ran for four), Cassidy began to complain, albeit rather wispily. He called the president of the company, whom he barely knew, and said, "Uh, I want out. Music is moving, everything's moving. To stand still is to compromise." But the president—who, unbeknownst to Cassidy, had signed a deal with Farrell promising him the right to produce the singer indefinitely—talked him into making another album, which David remembers as "a lotta jive, a lotta compromise."

David also recalls having been miserable: He says he was overworked (18 hours a day, what with acting and recording, plus concerts on the weekends), underfed ("I wouldn't even take dinner breaks—they'd send me in a tuna fish sandwich, that's what I'd *eat*") and generally neglected (his girlfriend left him and nobody cared when he had his gall bladder out). His dealings with Bell grew more strained; when he ran into the president for the first time in a year, "the first thing he said to me was, 'How are you, David? You should've been at The Troubadour last night, Melissa Manchester was great.'" He went without recording for 15 months and maintains that when he did release an album, Bell spent "maybe $5,000 promoting its most popular act, not nearly enough to get the record played by radio stations that hadn't thought much of Cassidy in the first place. He finally took the most drastic step imaginable by asking the teen magazines to please stop writing about him. But even that didn't work: When he posed for some spectacular nude photographs for *Rolling Stone* ("This was before Burt Reynolds did it, I guess it was pretty revolutionary"), "the magazines all made personal apologies on my behalf, 'David feels *so* bad. . . .' They did it to save themselves, though, not to save me. You know, when you see creeps making millions of bucks off little kids who don't know any better, it's hard to justify it."

David's contract ran out, and so did he. He had "an emotional breakdown," nursing a case of the flu for three or four months. During this period, he sat in his room wondering What It All Meant, subsequently coming up with I Gotta Be Me, or something to that effect. Fortunately, he found a kindred spirit in Ken Glancy, the president of RCA records, who said this when he signed David to the label: "RCA recognizes the potential of a multi-talented individual like David Cassidy, who has weathered a unique type of superstardom very early in his career, with the result that his concentration can now be directed towards becoming an artist of very lasting significance."

And now the face-lift is under way. David has a new haircut and he's on a promotional tour to meet RCA's local brass, because if they like him better than his previous "fabricated image," they may work a little harder to help him than the crew at Bell did. There is a single with an uncharacteristically blunt title, "Get It Up for Love," and a concept album to make the transformation complete. Entitled *The Higher They Climb, The Harder They Fall* and co-produced by David and ex-Beach Boy Bruce Johnston, it's the stilted but surprisingly tuneful story of an ordinary Joe who becomes a teen idol, only to lose his girl and . . . and you've heard this part already, haven't you? Only thing is, David says that while the album is "so idealistically perfect, so wonderfully perfect from the point of view of a small town boy who eventually personifies the American Dream," he also says it isn't necessarily about him. "It could be about Elvis, Gene Vincent, me—anybody."

David's liner notes are supposed to be flip ("Alas he finds that it's lonely at the top; he desperately searches for the love of a woman to abate his teenage passion. . .") because, he says, the whole album is faintly satirical. But what comes through most clearly is the confusion of someone who's trying to play it both ways. Cassidy can poke fun at his former status as a fave rave, but the mockery is mitigated by constant reminders of just how famous he used to be. The album's hero may wind up sleeping on a park bench (a certain amount of self-pity is also evident), but we're never allowed to lose track of his stardom. The very newspaper he's sleeping under carries a story about him.

"I look at it as being . . . amusing," Cassidy maintains, though the album is full of bitterness toward his ex-flame and ambivalent digs at both himself and his audience. He professes surprise at suggestions of any of this, looking quizzical and concerned about intimations that his former fans may not like or understand his introspective bent, or that he may be deliberately seeking a different and older following. "Yes . . . well, no," he says, when asked if he would be content to have the album sell several million copies, but only to girls between the ages of 8 and 12. "I wouldn't be disappointed if they would only *listen*. I would be disappointed, yeah, if it were only bought by girls who had bought David Cassidy records before. They'd be buying it because of something that was fabricated five or six years ago, and that would not be a success in my eyes. But this is my first honest effort, and I accept full responsibility for it."

An RCA representative sees it a little more clearly. "If David sold a lot of records but only within that age group, one segment of our company might be happy, but they would also realize that they'd failed. If, on the other hand, he sold anywhere from 150,000 to 300,000 copies to an older audience, I'd consider it a success. The change isn't going to be easy and it may take him a while, but I think he can do it. I'd say that a good number of the songs on the album stand on their own.

"But you have to remember what the bottom line is: We're in business to sell records. The guys who work on the seventh floor of our building, in accounting—they don't care if Hitler buys all of them. If a lot are sold, they're going to be overjoyed."

***Still Caught Up,** *Millie Jackson* (Spring). Jackson is a tough, husky-voiced soul singer with a unique gambit: On one side of the record, she's a wife; on the other, a mistress; and neither woman has much to do but squabble over the same man. Who gets him? Well, when Jackson (who makes a wonderful actress) tried this out before, on *Caught Up*, the story ended with the amicable breakup of a marriage. But this time she waxes moralistic, sending the girlfriend off in a straitjacket after the couple patch things up for the sake of their young son.

***½*A Star Is Bought,** *Albert Brooks* (Asylum). A comedy album whose avowed intention is to worm its way into the good graces of every possible kind of radio station. Its highlight is a would-be FM segment that has Brooks "jamming" with blues guitarist Albert King, who accurately pronounces Brooks "a mighty funky buffoon."

Books

An outsider trapped inside

By Geoffrey Wolff

The Alice Crimmins Case *by Kenneth Gross.* Knopf (293 pp., $8.95).

Meursault, the murderous eye of Albert Camus' philosophical hurricane called *The Stranger,* is put on trial for his life. And society executes him, not so much for having shot an Arab as for having smoked a cigarette while he regarded, without grief or animosity, the corpse of his mother. A cool customer, Meursault. The opening words of his story let in a damp, chilling draft: "Mother died today, or maybe it was yesterday." There is rage impacted in the uncertain, indifferent declaration, and finally it spills out, in an assault on a priest imposed upon the prisoner by the state.

It is impossible to read Kenneth Gross' account of the trials—by society and the law—of Alice Crimmins without considering the exemplary and prophetic case of Camus' anti-hero. During mid-July of 1965, her daughter and son, 4 and 5, vanished from her apartment in Queens and were found dead a couple of days later, presumably murdered. Mrs. Crimmins was separated from her husband—an aircraft mechanic—and from the Catholic Church. She stood in defiance of social decorums. She slept around and was not respectful of the conventions of marriage; she stayed out till all hours, liked to lie abed of a morning and would drink more than was good for her. More than other people thought was good for her. She was engaged with her husband in the preliminary skirmishes of a full fight for custody of Missy and Eddie, her children. She had once said, carelessly, "I'd rather see them dead than with Eddie."

No sooner had she reported the children missing than the police began to suspect her of. . . of. . . something. She was cold. She didn't seem to feel grief. She didn't weep. Detective Gerard Piering, assigned to the case and bucking for promotion, was a family man good and true, and he especially didn't care for Alice Crimmins. That first morning, before anyone knew what had happened to the kids, he was at the Kew Gardens apartment of Mrs. Crimmins with his partner. Mr. Crimmins was also there, to console his estranged wife: "You take Eddie," Piering told his partner. "I'll take the bitch." When Missy was found, strangled, Piering showed her mother the partially decomposed body, and she fainted but failed to weep. Piering believed she was guilty of infanticide: She should have wept; she shouldn't have been wearing makeup.

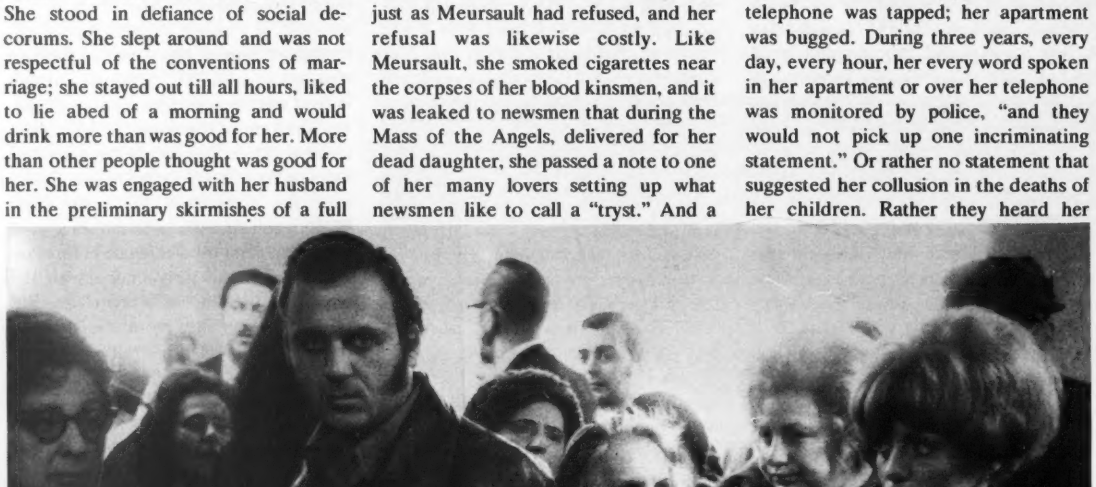
Mrs. Crimmins refused to confess, so the police began to hate her for being a hard-ass. "Why won't you let us get you a priest?" Piering asked her. Piering was no outlaw from the Church. Alice Crimmins refused to see a priest, just as Meursault had refused, and her refusal was likewise costly. Like Meursault, she smoked cigarettes near the corpses of her blood kinsmen, and it was leaked to newsmen that during the Mass of the Angels, delivered for her dead daughter, she passed a note to one of her many lovers setting up what newsmen like to call a "tryst." And a few days after little Eddie had been put in an unmarked grave, she was busy with her customary preoccupations: dancing, drinking, laughing and making love.

During one of her trials for the murder of her children, Alice Crimmins admitted under cross-examination by prosecuting attorney Anthony Lombardino that she had swum a couple of times in the pool of a married man, Joe Rorech, who was crazy for her. One time she had worn a bathing suit, and another time she had not:

"LOMBARDINO: 'Where were your children when you were swimming without a bathing suit in Joe Rorech's swimming pool?'

"CRIMMINS: 'They were dead.' "

And so it went. To the police, as to the sprawling village society of Queens, Alice was "a slut." After the murders and during the years before she was charged with any crime, the police hounded her, labored to have her fired from jobs and spied on her. Kenneth Gross concludes that the "only person in the case not actively engaged in police spying was Alice Crimmins." Her boyfriends reported back to the police her words and temperament; her telephone was tapped; her apartment was bugged. During three years, every day, every hour, her every word spoken in her apartment or over her telephone was monitored by police, "and they would not pick up one incriminating statement." Or rather no statement that suggested her collusion in the deaths of her children. Rather they heard her



Alice Crimmins (right) observes spectators present at her second trial, in 1971.

An older Alice Crimmins in May of this year.

scream, again and again, and in full awareness that she was being overheard, *"Fuck me! Fuck me! Fuck me!"* She screamed the words at her lovers, but at society as well, words fit for Meursault's utterance.

The police listened, and listened, and they *knew* she was guilty, if not of murder then of something, something almost worse. She didn't hide her appetites, or deny them. She admitted to having had a quickie with her kids' barber in the back seat of his car: There was no end to her indulgences. The police and prosecution insisted that Mrs. Crimmins' sexual conduct demonstrated her depravity, and proved that she was capable of having murdered her own children. Mrs. Crimmins, as Gross writes, "could never comprehend what one had to do with the other." And she remained defiant, refused to satisfy society's expectations of a bereft mother, even though there was no evidence to contradict the weight of evidence that she had been a loving and attentive (if occasionally irresponsible) parent. Nothing could weigh against her coldness, the privacy of her grief, her outrageous refusal to flow to fit the mold.

Witnesses were found, late in the case and in precise accordance with the prosecution's requirements of the moment, who seemed to connect Mrs. Crimmins with the crimes. Joe Rorech testified that she was blameless. Then that she had admitted having killed her daughter. Then, in a later trial, that she had had her son murdered. No one suggested why. Her custody suit was the flimsy pretext fastened on by the state, and five years after her first conviction, Assistant District Attorney Lombardino, who bulldogged her on the stand, says, "I don't know if she did it. It still seems unlikely. I can't believe it. I can't even believe the story I told the jury. I don't even believe it now." Kenneth Gross, who covered the murder and subsequent trials for *Newsday* and the *New York Post*, will not say absolutely what he believes happened to those children, or whether Mrs. Crimmins was responsible in any way for their deaths. He prefers to let a mystery rest, and to leave the facts unviolated. He refers to Mrs. Crimmins' "complicated innocence," a perfect fix on her position.

She is in prison now, after having endured a trial, conviction, retrial and many appeals. On the evidence of this book, she does not belong there. She has been punished for her part in the fluid morality of "cheaters," wives who move like pilot fish from steak house to dimly lit piano bars to motels, sleeping with rootless men past their best years, the kinds of men who wear diamond pinky rings and order a new Coupe De Ville every spring. Gross is a knowing student of that life, a squalid and sad restlessness in a territory where town spills into town with as little identity as cheater slips into cheater, a social territory in which money alone marks position and money is too easily got and too easily spent.

Mrs. Crimmins was not a whore. She slept around for other reasons, simple self-gratification, and *connection* in its various definitions. City Council President Paul Screvane "had been with Alice socially. As had the Mayor, Robert Wagner. She didn't expect that Wagner would remember her name; their encounters had been brief and almost anonymous." Alice Crimmins was pretty, by the easy standards of dark nightclubs situated in the shopping centers and along the expressways of Long Island, but she couldn't compete in Manhattan, and she knew it. She was a lady of low expectations, so it is perhaps odd that her defiance of the conventions of grief touched so tender and central a nerve in society's complicated network of decorums and taboos that society elevated her—like Meursault—to the condition of a monstrous and elemental principle of negation.

Note: In my review of Saul Bellow's *Humboldt's Gift* (Sept. 5, 1975), a printer's error produced the sentence declaring that "self-importance is now Bellow's vice." The sentence, and the fact of the matter, is that "self-importance is *not* Bellow's vice."—G.W.

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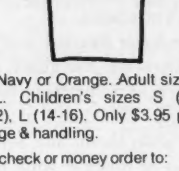

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"Sneakers" hit the canvas

Final Tribute

By Dennis Albert

Back in the days of *American Graffiti*, sneakers were simple, and shapeless and cheap. Everyone from hot rodders to little old ladies wore them for anything you could think of: hiking trips, basketball games, clamming, regattas, betchyadollar races with friends. Sure the canvas slowly rotted, holes developed near the baby toe and a certain (though not altogether repugnant) odor set in, but those old-fashioned sneakers weathered the seasons as faithfully as they did the whims of fashion. Indeed, sneakers were *anti*-fashion. The greyer, floppier and older, the better. You never upgraded them, you reluctantly replaced them.

No more. The simple sneaker is a thing of the past, gone the route of the penny loafer and the T-shirt that had nothing to sell. When Woody Allen arrived at the ballet last month sporting sneakers on his feet and Betty Ford on his arm, he was only adding prestige to a movement whose time had come: The Adidas Revolution. The sneaker is no longer just a covering for the foot in the summer; it's now a statement about who you are and what your game is. Even the word "sneaker" itself has disappeared. In its 67-page catalogue, Adidas calls its footwear training shoes, canvas shoes, tennis shoes—anything but sneaker. Gone is basic white, with (at most) a modest blue trim. Enter brilliant oranges, blood reds and royal blues. Even the canvas has given way to nylons, suedes, leathers and velours. In short, the sneaker has not only achieved style, but presence.

The variety is incredible. Walk into Bloomingdale's in New York and you can select from 15 types of Adidas alone; and while you're at it, pick up the rest of the image too: an Adidas T-shirt, just like the one Nastase wore at Forest Hills last month, and an Adidas tote bag. A Manhattan speciality store, Herman's Sporting Goods, does even better—at least 50 types of sneakers if you count every brand. Just five years ago, Adidas itself was turning out 25,000 sneakers a day; now it is manufacturing 125,000 a day.

It's easy enough to come by explanations for the phenomenal sales of sneakers. Tennis is booming, jogging has become a national obsession (if not a national pastime), the country is more casual and leisure-oriented. But that's only part of the story.

There are those who trace the change to a scandal at the 1968 Olympics. Adidas owner Adi Dassler quietly paid huge sums of money to athletes who agreed to wear his sneakers (his brother Rudolph, the owner of Puma, used the same ploy less successfully; that delighted Adi, since the two sibling competitors have not spoken since 1949). Sneaker payola went on to make the cover of *Sports Illustrated* and doubtless helped turn Adidas and Puma into household words.

But the more likely reason for the advent of the classy sneaker is that we've reversed an old adage: invention has become the mother of necessity. Consider, for instance, adding and subtracting without a calculator—though a few years back we all did. Or imagine an office without a copying machine, no matter that carbon paper was the rule and Xerox the exception a decade ago. What's happened with the specialized sneaker is the same: We've come to believe it's necessary.

Feel like running? Don't just put on sneakers. Put on Adidas' "training shoes," extravaganzas such as the Gazelle with the "foot-form tongue," or the SL 72, which "relieves strain on the Achille's tendon," or the Rom, which, you'll be glad to know, actually works on *both* "indoor and outdoor surfaces." Or how about tennis shoes? There's the "Stan Smith-Haillet," and the "Billie Jean King," and the "Newcombe," and the "Rod Laver". . . . In three categories alone—tennis, track and basketball—there are 50 Adidas styles. And when you get into professional athletics, well, the sublime becomes ridiculous. There are two sneakers for the high jumper alone—one for jumping side straddle and another for jumping flop style.

Predictably, the Adidas revolution has spawned a gallery of imitators. The movement threatens to take off like the fast-food phenomenon before it. Chain stores devoted exclusively to sneakers are no joke. Marty Bloom began Sneaker Circus a short time ago and already has 29 stores. In six months he hopes to have 50.

Is there an end to this? Apparently not, unless it is the End itself. Remember the old athletic sock, that limp, permanently stretched affair that always went out at the heel? Or its successor, the striped fits-all-sizes cotton sock? Well, they too are about to be replaced. The fellows at Sneaker Circus have invented what they say is the "first sock ever designed expressly to be worn under a sneaker." In other words, specialty socks to go with your specialty sneaker. And what's special about it? Well, says the man from Sneaker Circus, "it's got this natural deodorant guaranteed to last 50 washings . . . and we think it's really gonna go." ●

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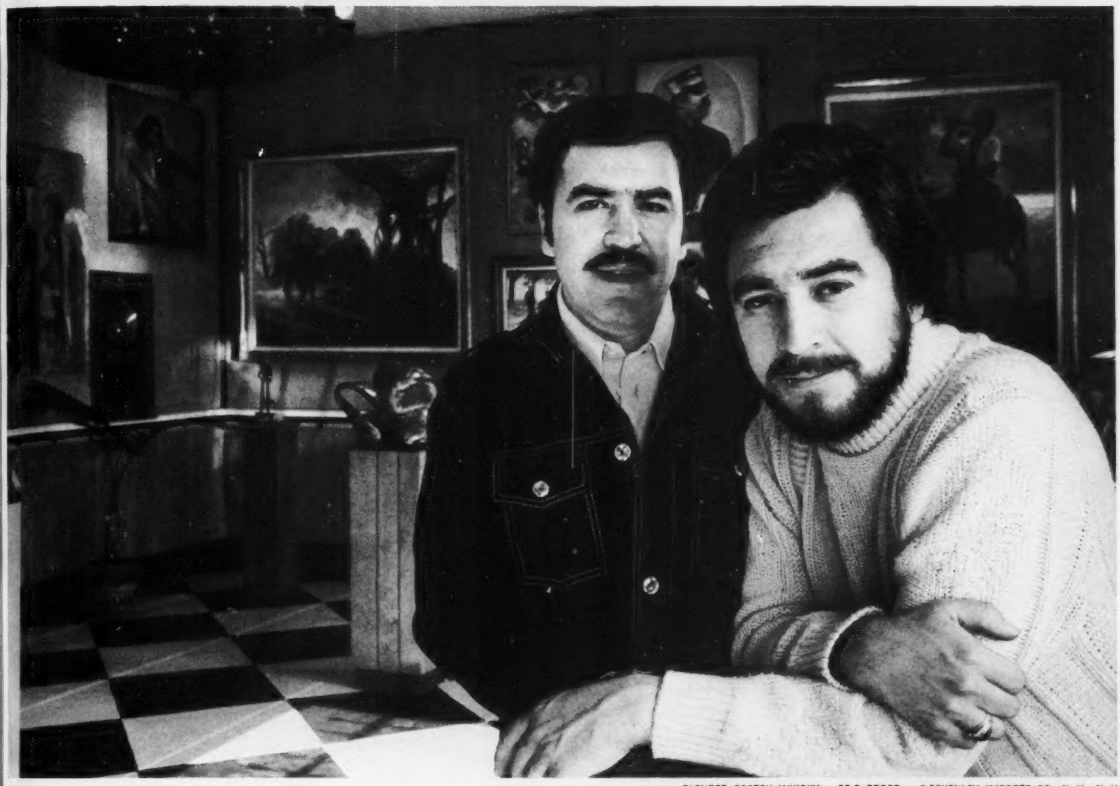

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JOE AND JOHNNY GONZALES

HOME: Los Angeles, California

LAST ACCOMPLISHMENT: They created an art studio and gallery which gives training and exposure to hundreds of Chicano artists from the East Los Angeles barrio. The gallery's shows have been seen worldwide.

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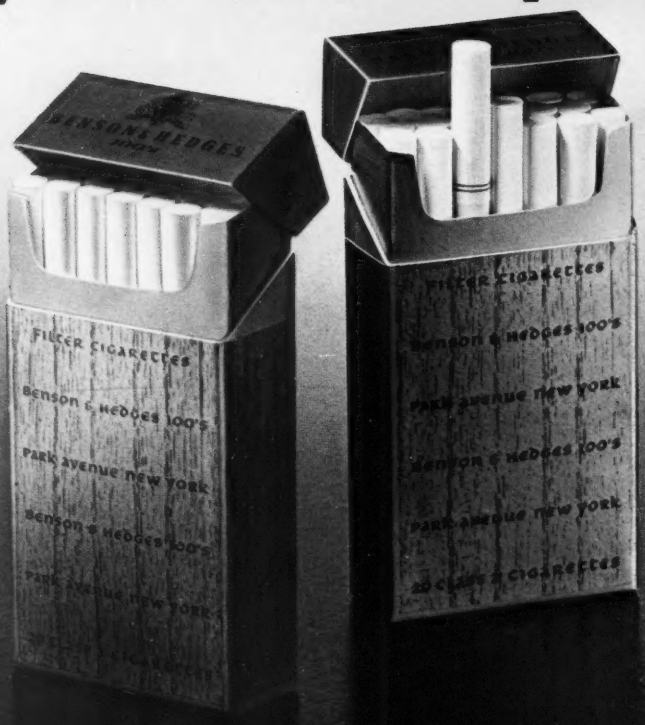

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